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Northern California U.S. District Court Oral History Series

Spencer M. Williams

LAW, POLITICS, AND THE JUDICIARY: THE HONORABLE SPENCER M. WILLIAMS

With an Introduction by
James M. Wagstaffe

Interviews Conducted by
Carole Hicke
in 1992, 1998, 2000, and 2001

Since 1954 the Regional Oral History Office has been interviewing leading participants in or well-placed witnesses to major events in the development of Northern California, the West, and the Nation. Oral history is a method of collecting historical information through tape-recorded interviews between a narrator with firsthand knowledge of historically significant events and a well-informed interviewer, with the goal of preserving substantive additions to the historical record. The tape recording is transcribed, lightly edited for continuity and clarity, and reviewed by the interviewee. The corrected manuscript is indexed, bound with photographs and illustrative materials, and placed in The Bancroft Library at the University of California, Berkeley, and in other research collections for scholarly use. Because it is primary material, oral history is not intended to present the final, verified, or complete narrative of events. It is a spoken account, offered by the interviewee in response to questioning, and as such it is reflective, partisan, deeply involved, and irreplaceable.

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ATHABASCA GLACIER
CANADIAN ROCKIES 2000

Spencer and Kay Williams, Athabasca Glacier, Canadian Rockies, 2000.

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Federal judge

Law, Politics, and the Judiciary: The Honorable Spencer M. Williams, viii, 277 pp., 2002

Naval service in Pacific in WWII; County Counsel office, Santa Clara County; Secretary of Human Relations Agency under Governor Ronald Reagan; law practice in San Jose and Sacramento; significant cases: William Inglis, draft dodging cases, asbestos cases, Dalkon Shield, ARCO, Berkeley bomber, L.A. Raiders; trial law practice; court administration and techniques; formation and goals of Federal Judges Association.

Interviewed in 1992, 1998, 2000, and 2001 by Carole Hicke, Regional Oral History Office, The Bancroft Library, University of California, Berkeley.

ACKNOWLEDGMENTS

The Bancroft Library, on behalf of future researchers,
wishes to thank the following persons and
organizations whose contributions made possible
this oral history of Spencer M. Williams.

Federal Judges Association

United States District Court for the Northern District of
California Historical Society

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PREFACE

The Historical Society of the United States District Court for the Northern District of California is a non-profit organization established by federal practitioners and judges and is dedicated to preserve and develop the history of this court. The Society's goals are threefold: 1) to marshal the sources for historical study of the District; 2) to initiate and encourage comprehensive and scholarly study of the court; and 3) to develop interpretive programs and exhibits making the fruits of this research accessible and meaningful to the legal community and the general public.

In 1980 this series of oral histories conducted by The Bancroft Library was initiated as an important effort in the furtherance of the Society's objectives. By preserving the personal reminiscences of individuals whose experiences and memory can yield valuable "oral evidence" of the court's history, the Society hopes to enhance and amplify the written record.

In addition to historical study of the District, the Society hopes to promote greater public understanding and appreciation of the role of the federal judiciary. Except for those involved in the legal process, the operation, significance, and impact of federal trial courts remains largely a mystery to most Americans. By focusing on the history and activities of the Northern District, the Society hopes to bridge this gap between the legal and lay world and even encourage other District courts to initiate similar efforts. As the nation nears the 200th anniversary of the ratification of the United States Constitution, it is an appropriate time to raise the level of public understanding by placing the contemporary role of district courts in historical perspective.

Thanks are due to the foresight and generosity of the individuals and organizations whose support make this work possible.

Robert F. Peckham,
Historical Society of the U.S. District Court,
Northern District of California

San Francisco, California
April 1981

Eighteen years since its founding, the U.S. District Court for the Northern District of California Historical Society continues to pursue the goals outlined above by its founder, Judge Robert F. Peckham. The comprehensive oral histories conducted by The Bancroft Library are a central part of the society's efforts to record the history of the court and of the law in Northern California. As Judge Peckham explained, by preserving "oral evidence" of the court's development, the society hopes to enhance the historical record contained in more traditional written sources.

The generosity of individuals and organizations continues to be important in making these volumes possible. Each oral history contains a list of contributors whose foresight has helped preserve a part of the Northern District Court's history.

Thelton E. Henderson
Historical Society of the
U.S. District Court,
Northern District of California

San Francisco, California
December 1995

NORTHERN CALIFORNIA U.S. DISTRICT COURT SERIES
Interviews Completed by 2002

Harris, George B., "Memories of San Francisco Legal Practice and State and Federal Courts, 1920s-1960s," 1981.

Orrick, William H., Jr., "A Life in Public Service: California Politics, the Kennedy Administration, and the Federal Bench," 1989.

"The Honorable Robert F. Peckham, 1920-1993: His Legal, Political, and Judicial Life," 1995.
Includes interviews with friends and colleagues.

Phleger, Herman, "Observations on the U.S. District Court for the Northern District of California, 1900-1940," 1981.

Poole, Cecil, "Civil Rights, Law, and the Federal Courts: The Life of Cecil Poole, 1914-1997," 1997.

Schwarzer, William W, "Litigator, Federal District Judge, Director of the Federal Judicial Center, and Professor, 1952-1997," 1998.

Sweigert, William T., Sr., "Administration and Ethics in the Governor's Office and the Courts, California, 1939-1975," 1987.

Weigel, Stanley. "Litigator and Federal Judge," 2000.

Williams, Spencer M. "Law, Politics, and the Judiciary: The Honorable Spencer M. Williams," 2002.

Wollenberg, Albert C., Sr., "To Do the Job Well: A Life in Legislative, Judicial, and Community Service," 1981.

Zirpoli, Alfonso J., "Faith in Justice: Alfonso J. Zirpoli and the United States District Court for the Northern District of California," 1984.

INTRODUCTION by James M. Wagstaffe

I am honored to be able to present this introduction to the oral history on one of the finest United States District Judges in the country and one of the finest human beings as well. I have been asked to write this introduction because of that aspect of my resume of which I am most proud:

"1980-1982: Law Clerk to the Honorable Spencer Williams."

This snapshot of time was for me what it has been for the countless numbers of other people who have worked for and with Judge Williams over the years. It was both a learning fellowship in the law and in the arts of kindness and integrity.

Early in my clerkship, Judge Williams shared with me the motto that has guided his professional life and was to guide our time together. He said: "We take our work seriously, but we don't take ourselves seriously." And no doubt it is this approach that has made Judge Williams' career as a lawyer, administrator and federal district court judge inspiring and also so much fun.

Being a district court judge can be stressful and routinely involves issues of overwhelming importance to litigants and to the public at large. Yet during every case and throughout the years, Judge Williams showed respect and unfailing kindness to litigants, witnesses, attorneys and court personnel. And all the while, Judge Williams maintained the broader perspective, realizing that justice is a process as well as a result.

We always suspected that that Judge Williams' refreshingly open perspective came from a life of broad experiences. He played basketball at UCLA with Jackie Robinson; he saw active duty during World War II for the Navy in the Pacific; he took contracts in law school from Professor David Snodgrass; he administered one of the largest law offices in the state as County Counsel for Santa Clara County; he was Secretary of Human Relations in Ronald Reagan's California Cabinet; he ran for political office; and he served as a United States District Court Judge for over thirty years.

Judge Williams was at the center of some of the most important legal decisions of his time. As this Oral History will reflect, he presided over one of the nation's first multi-state class actions, he acted to prevent government regulators from taking over independent financial institutions, and he participated in groundbreaking decisions in the fields of anti-trust and defendants' class actions.

Every federal judge in the country owes Judge Williams a debt of gratitude because of his commitment to bettering their lot through the activities of the Federal Judges Association, the organization he founded almost a quarter century ago. He was concerned the stagnation of judicial compensation would adversely affect the federal judiciary's ability to attract highly qualified men and women. As a result, he led through words and example, by filing cases and advocating positions to advance these interests.

An oral history certainly can capture these life events. But Judge Williams' impact on others was far more personal and, thus, longer lasting. His humor, his love of life and his personal support

in times of need were ever present for all members of his large family and for members of his judicial family as well.

I am extremely proud to be a member of Judge Williams' judicial family and commend this oral history of a man with virtually celestial perspective. The poet could have been speaking of Judge Williams when he described the essential quality of charting one's course, not by the lights of passing ships, but by the stars.

James M. Wagstaffe, partner and founder
Kerr & Wagstaffe, LLP

San Francisco, California
May 2002

INTERVIEW HISTORY by Carole Hicke

U.S. District Judge Spencer Williams has had a notable career in California law and politics that took him from law practice in Santa Clara County to the governor's cabinet in Sacramento and back to the Bay Area to take his place on the bench. His oral history provides an informative addition to the ongoing series of judicial oral histories underwritten by the Historical Society of the United States District Court for the Northern District of California. These interviews were also partly funded by The Federal Judges Association.

Judge Williams is a courtly and amiable gentleman with a sparkling sense of humor and an interest in history. I first interviewed him in 1992 as background for the writing the narrative history of The Federal Judges Association. He was a founding member and the first president of that group. Another interview took place in 1998 when I was updating the FJA history.

In 2000, the Northern District Court Historical Society requested a complete oral history of Judge Williams as part of its series, and we began the interviews. These took place on September 16, 27, December 20, 2000, and March 6 and 27, 2001. Kay Williams, the judge's wife, joined some of these interviews and offered useful information and perspectives. Some of the interviews took place in the judge's chambers and some at his home.

Judge Williams's deep respect for the law and concern for human rights come through clearly in his recollections, along with his bright outlook on life. The conversations were often punctuated with his humorous anecdotes and one-liners, so that occasional bursts of laughter were recorded along with the serious telling of the story.

A total of thirteen tapes were recorded and transcribed, and the transcript was carefully reviewed by Judge and Mrs. Williams. In addition, included with this transcript is that of an earlier interview conducted by Julie Shearer in 1982. It covers Williams's four years as head of the California State Human Relations Agency and is part of the Regional Oral History Office's Government History Documentation Project: Ronald Reagan Gubernatorial Era.

Born in Massachusetts, Williams went to schools in New York and New Hampshire, receiving his A.B. degree from the University of California at Los Angeles in 1943. After serving in the navy aboard the U.S.S. *Chester*, which was assigned to the Pacific Theater in World War II, Williams earned his J.D. at Boalt Hall, University of California, Berkeley.

Williams served as Deputy, then County Counsel of Santa Clara County from 1949-1967. That year Governor Ronald Reagan appointed him Secretary of the Human Relations Agency, overseeing nine major state departments' Mental Health, Public Health, Rehabilitation, MediCal, Social Welfare, Employment, Industrial Relations, Corrections, Youth Authority, and numerous boards and commissions. His agency was allocated \$3.5 billion of the state's then \$5 billion budget. Both before and after these public duties, Williams engaged in private law practice.

President Richard M. Nixon nominated him to the office of United States District Judge for the Northern District of California and he was confirmed by the Senate in July 1971. During his time on the bench, Judge Williams has handed down some notable opinions on well-known cases, and also sat by designation on other district courts and courts of appeal.

An active interest in the judicial system and the preservation of its constitutionally recognized independence has long motivated Williams and led to significant activities on behalf of the judiciary. In 1982 he organized the Federal Judges Association, which seeks to uphold the rights and integrity of U.S. judges. His many professional and community service actions include participation in the State Department Rule of Law Program, representation of the U.S. Information Agency before students, lawyers, and public interest groups in Iceland and Germany, service as president of the International Academy of Trial Judges in 1994 and president of the Ninth Circuit District Judge's Association 1982-1984.

The Regional Oral History Office was established in 1954 to augment through tape-recorded memoirs the Library's materials on the history of California and the West. Copies of all interviews are available for research use in The Bancroft Library and in the UCLA Department of Special Collections. The office is under the direction of Richard Candida Smith, Director, and the administrative direction of Charles B. Faulhaber, James D. Hart Director of The Bancroft Library, University of California, Berkeley.

Carole Hicke
Project Director

January 2001
Regional Oral History Office
The Bancroft Library
University of California, Berkeley

BIOGRAPHICAL INFORMATION

(Please write clearly. Use black ink.)

Your full name Spencer Mortimer Williams

Date of birth 2-24-22 Birthplace Reading, Mass.

Father's full name Theodore Ryder Williams

Occupation deceased Birthplace Malden, Mass.

Mother's full name Anabel Lee ~~the~~ Hutchison

Occupation deceased Birthplace Denison, Texas

Your spouse KATHRYN B. Williams

Your children ① CAROL MARIE, ② PERCY RALSTON,

③ SPENCER THOMAS, ④ CLARK BARRY, ⑤ JANICE LYNN,

Where did you grow up? PURSWASITING GROVE, NY, ⑥ EDINBURGH, KATHRYN

Present community CARMELITEL, CA.

Education BA, WCLL, 1943; LLB BURKE HALL 1948

Occupation(s) Student, Naval Officer, Lawyer (Private
Practice) (Government practice) Federal Judge.

Areas of expertise LAW

Other interests or activities golf, painting, travel

Organizations in which you are active Federal Judges Association,
(FSA), International Association of Judges (IATS);
Del Paso Country Club (Sacramento). Third

Previously: Junior Chamber of Commerce / Kiwanis Club - San Jose

INTERVIEW WITH SPENCER M. WILLIAMS

I BACKGROUND

[Interview 1: September 16, 2000] ##¹

Family History

Hicke: I'd like to ask you to start with when and where you were born.

Williams: I was born in Reading, Massachusetts, February 24th, 1922. Reading is just outside of Boston.

Hicke: And where did you grow up?

Williams: I stayed in Reading, Massachusetts, until I was four, and then we moved to Long Island [New York]. My father was a banker at the Old Colony Bank in Boston. He transferred down to New York to the Chemical Bank in New York and went down and found a place for the family to live in Port Washington, Long Island.

[tape interruption]

Hicke: Before we get into your childhood now, let's go back and talk about your ancestors. Where do you want to start? They go all the way back to the *Mayflower*, so tell me about the *Mayflower*.

Williams: There was a Thomas Williams on the *Mayflower*, and he died the first winter, and sometime later his brother came over and settled in Maine. I have his name on the history there. [indicates document] These subsequent members of the family moved to Wells, Maine, in the 1700s. Some of them came down to the Boston area in the mid-1800s and settled. My father was born in Malden, which is next to Boston, and I was born in Reading [which is near Malden] on the 24th of February 1922. I was the third son.

Hicke: What was your father's name?

Williams: Theodore Ryder Williams.

¹## This symbol indicates that a tape or tape segment has begun or ended. A guide to the tapes follows the transcript.

Hicke: We'll attach copies of your family trees. You have a lot of information here.

Williams: Yes, both families go way back.

Hicke: Obviously, yes. And didn't you tell me once they went back to Wales, that your early ancestors came from Wales?

Williams: Well, Williams is a Welch name, and I think we've assumed they came from Wales because of the name, but I don't recall any specific identity. When my brother Tom was in the war--in England--he went to Wales. He'd go to bars and say, "I'm Tom Williams from the United States." They'd say, "Oh, you must be related to me because my name is Williams." So he found a lot of possible relatives back there. Kept buying him drinks at the bar, you know.

Hicke: Nice! I'm going to change my name to Williams next time I go.

Williams: To Wales! [laughs] and I think I told you this story: When Kay and I went to England, I went to Old Bailey and had lunch with judges, and they came in from the bench in their robes and their wigs. We sat there and had lunch. They'd have wine, too, and then they'd go on back to the bench. I was sitting next to one guy. He said, "Your name is Williams." "Yes." "That's Welch, isn't it? What's the rest of your name?" "Spencer Mortimer Williams." "Oh," he said, "you're part English. Mortimer is very English, not Welch. But you're Welch, right?" I said, "Well, I think so." And he said, "So am I. You know, as far as we're concerned, all Englishmen are assholes." [laughter]

Hicke: I hope there wasn't a microphone nearby!

[Following is a quote from notes Williams made on his mother's family.]

The report of my mother's family, the Hutchisons, begins with the birth of Issac West Hutchison in Kentucky in 1830. My mother was born in Denison, Texas. She had a brother several years her senior. Their father was a railroad man. Her mother, Alice Smith, died when my mother was two years old. Her father prevailed upon old friends [the Freemans] in Massachusetts (a widow and her adult unmarried daughter) to take temporary custody of Anabel. His aunt in Washington, D.C. did likewise with his young son, Robert. Robert also lived with the Freemans for a period of time. My mother met my father in Massachusetts. They were married in 1918 and produced six children (three boys, a girl, and two more boys of which I am the third son. My uncle Robert married, and there was one child, a daughter, adopted, Ann, of this marriage, who was raised in Cuba and now resides in New York.

Childhood and Education

Hicke: Now, we got you as far as--

Williams: Reading, Massachusetts and our move to Port Washington. I went from kindergarten through the tenth grade there in Port Washington schools. They had some real problem students there. One of them punched the principal and knocked him downstairs, and my father thought that was a terrible place to have his children go, so he sent me and my two older brothers to New Hampton Prep School up in New Hampshire.

But I spent my earlier days in Port Washington. It's a very nice place. We kids had good friends there. We moved to a different house when I was about ten, I guess. My mother dropped us off at school. We could walk home from school. We lived near Manhasset Bay, and we had rights to the beach down there, so we did a lot of swimming and playing and that sort of thing.

A lot of our summers were spent in traveling and camping. We had so many kids.

Hicke: You said you have four brothers and sisters.

Williams: That's right. My sister contracted tuberculosis from unpasteurized milk and was sent to the hospital when she was about two and didn't get back until she was about five. We could visit her at the hospital up in Rhode Island, but she came back as a stranger, to fit in with five brothers. It worked out fine, but it was a difficult time for her.

Hicke: Yes, traumatic. You started to tell me you spent your summers camping.

Williams: Camping. We'd camp up in New England and other places. We'd take our car, two cars, and we'd take the tent and equipment, and we'd camp out on Long Island, at Montauk Point, and we'd camp in upper New York State. I thought it was a real fun family thing to do.

When I was about, oh, I guess a junior, we bought a 160-acre farm in Mill River, Massachusetts, near Sheffield, Massachusetts. We used to rent the fields to the farmers for their cows, milk cows. We had a house and a couple of barns. It was a great place for the kids to be together. We had chores to do, and we could go swimming at Lake Buell, and it was a great summer.

Hicke: What were your chores?

Williams: Well, we had to cut wood for the fireplace, and we had to mow the lawn. My father had a small garden, and we'd work in the garden. Things like that, not very heavy chores.

Hicke: Milk the cows?

Williams: No, we didn't have any cows. The neighbors milked the cows. The neighbors could use our place for their cows to graze, so we'd get the milk from the neighbors. But it was only a little way down August Road to town. We called it August Road because it was only usable in August. The town was Mill River. It's close to Sheffield in the extreme western part of the state. So those were great summers for the family.

Hicke: Where was the school?

Williams: Well, that's just summers.

Hicke: Oh, and then you came back.

Williams: Came back to Long Island and public school there. So it was great. I was planning to go to Williams College at the time. My father went there. It's up in northwestern Massachusetts. But his business changed. He was a banker, and he went to the Old Colony Bank that I mentioned, in Boston, and now to the Chemical Bank in New York. They were making big loans to companies. They would put him in as a treasurer of the company until it paid off the loan. The bank loaned money to Educational Films Corporation to produce some movies with Shirley Temple. She was just a little two- or three-year-old kid. They would read her one line at a time, and she'd repeat it.

But anyhow, when Education Films paid that loan off, my dad said, "I know the motion picture business, and I can raise the funds, so I'm going to become a motion picture producer," and we moved to California.

Hicke: What year was this?

Williams: It was 1939. So I came out, and instead of going to Williams College, as I had planned, I went to UCLA.

Hicke: Let's back up; tell me about high school. Where did you go to high school?

Williams: I started high school in Port Washington and then went to New Hampton prep school. I finished the first half of my sophomore year of high school in Port Washington, but it was a midterm situation, so when I went to New Hampton, I had to either repeat that first half of the ninth grade, or skip to the first half of New Hampton's tenth grade. So I skipped the second half of my sophomore year and became a junior. Thus, when I graduated in the spring of '39, I was half a year ahead of my Port Washington contemporaries.

Hicke: What subjects did you like in high school?

Williams: History.

Hicke: Is that right!

Williams: Yes, I really did. I enjoyed it very much.

Hicke: U.S. history or world history or both?

Williams: We had ancient history and medieval history in prep school. When I went to UCLA, I became a history major. It started with the discovery and settlement of the 'New World'—the conflict between the colonies.

When I presented my course to an advisor—as a pre-requirement for graduation—he said, "This isn't a course in history; it's a course in current events!" but he did okay it for graduation. Then came active duty in the navy.

Hicke: Backing up a bit more, in your family, what were the major influences as you were growing up?

Williams: I think my dad and my mother. My mother graduated from Wheaton College in Massachusetts in 1917. But when we were living in Port Washington, in the mid-1930s, she was taking courses for her master's degree at some college close by.

Hicke: With six children?

Williams: Yes, with six children. It was a nice place we had in Port Washington. We had a tennis court in the backyard, and my chore was to help roll the clay and put down the line tapes. I hated that. We ultimately made a basketball court out of it. My dad had played basketball at Williams College, and so I became interested in basketball. I played at prep school and then played at UCLA. That was my main sport. I didn't get interested in golf until much later.

Hicke: Did your parents have expectations that you would go to college?

Williams: Oh, yes. They expected it and they assumed it! There was no question about it. My brother, Tom, didn't go to college. He went to work. He was of college age when we came to California, and he decided to get a job. He worked there several months and was drafted into the army. He never did go to college. My brother, Bob, went to Cornell [College], and my brother, Dick, went to Williams College. He earned a Ph.D. and teaches now in Delaware. My sister, Marcia, went to UCLA and then to nursing school, and Ted never did (he had health problems).

Hicke: Did your parents read to you a lot, and did you yourself do a lot of reading when you were growing up?

Williams: Yes, my mother used to read to us at times. I remember my dad would bring home some films and we watched those, too. But we were a pretty active family in sports and travel and things like that.

[tape interruption]

Hicke: Did your dad produce any movies that I might have heard of?

Williams: He produced them, but you wouldn't have heard of them. There were four. They had names like *Heroes in Blue*, *Midnight Limited*, and two others I can't remember. But they were what they called quickies—'B' pictures. They would shoot them in one week. They cost \$30,000 to produce.

They shot all street scenes at night at Monogram Film Studios in Hollywood, because if you scheduled a daytime scene, you would have to film it with vehicles and pedestrians to make it look 'normal.' But this would also run up your production costs.

He called them 'Easterns' as a contrast to the 'Westerns' which were so popular (and inexpensive) then.

Hicke: He didn't continue with that?

Williams: No, the war came along and he couldn't get any film. It was all going to make military training films. And so he did something else. They moved out to the eastern part of Los Angeles where he became president of an optical glass company that manufactured gun sights for the army.

My mom had a job sealing fuel tanks for airplanes, the wing tanks. She worked in a plant not far from home.

Hicke: Ah, Rosie the Riveter.

Williams: Yes. Then after the war they went back to farm, in 1949.

Hicke: There are a couple more things I wanted to ask you about your childhood. Did you have family celebrations and holidays? What did you do?

Williams: We took a lot of trips together--traveling, camping, and so forth. My mother had this one brother. Have I mentioned that?

Hicke: You told me, but I'm not sure it was on tape.

Williams: Her mother died when she was about two years old. She had an older brother, who was about two years older.

Ann was our only cousin. We took trips for ourselves and with each other, camping and that sort of thing. Then we used to go to Long Beach swimming, often from the south shore of Long Island, ocean swimming.

Hicke: That's Long Beach, Long Island?

Williams: Yes. At Port Washington we had our own beach on Manhasset Bay, where we went swimming, and we had a boat, a rowboat, to fiddle around in. we did a lot of camping out at Montauk Point, which is on the end of Long Island. I remember we always had to dig little trenches around the tent to keep out rain drainage in case it rained—something my dad told us he had learned from his service in World War I.

Hicke: And what about Christmas?

Williams: I hung stockings for so long I was getting shaving equipment in mine! [laughter] Cream and razor blades.

Hicke: Good ol' Santa Claus.

Williams: You've got to keep the believers, and I was only the third of six. We had a big house in Long Island and a sleeping porch. We had two double-deckers out there, so four of us would sleep out there, and the maid's room was next door. We had a third floor, a big house, and then the tennis court in the backyard. A great place to be raised.

Hicke: Did you open your presents on Christmas Eve or Christmas Day?

Williams: Christmas Day, after we got the stockings. The stockings came before breakfast and the presents after breakfast.

Move to California; UCLA

Williams: When we came out to California in '39, we drove out with two cars. My dad had an apartment in Hollywood, and we rented a house in Santa Monica. We drove out there, and followed each other and stopped every night. We drove in the cars and shipped our stuff out there.

Hicke: What did you think of California?

Williams: Oh, I thought it was pretty neat. Santa Monica--there are nice beaches at Santa Monica. Instead of going to Williams College, I went to UCLA. A lot cheaper, too, maybe twenty-five dollars a semester or something like that.

Hicke: Williams is a private college?

Williams: Yes. But I could commute to UCLA. It was only about a fifteen-minute drive from Santa Monica.

Hicke: Did you have a car?

Williams: I had use of a car, yes. The fellow across the street and I used to commute together, sometimes in our car--the family had two cars, and I could drive one sometimes. So it worked out okay.

Hicke: Was there a lot of competition to use the cars?

Williams: Well, no; my brother, Tom, went back East to get a job. And my brother, Bob, was going to Cornell, so when he went back to Cornell, I was the eldest there. My sister and brothers were in public school in Santa Monica, and my dad was producing his pictures. Since they shot them at night in Hollywood, I'd take dates out and ask them, "Do you want to see some movies made down in Hollywood?" "Yes." "C'mon down and watch my dad shoot some pictures." [laughs] Lots of these were 'quickies,' (Class B pictures).

There was a fellow named Charlie Williams, who was a very funny guy. He was an actor. Had big glasses and a moustache. Comedian type. He worked with my dad. Charlie worked on the scripts.

Hicke: Oh, he had specially commissioned scripts?

Williams: They had to prepare scripts for the pictures they did.

Hicke: He didn't just buy a book or something?

Williams: No, they had to write the actual dialogue. *Heroes in Blue* was about police. *Midnight Limited* was about trains probably. They did four pictures. It was exciting.

Hicke: Yes, that was pretty glamorous.

Williams: Yes. So when Dad couldn't get the film he wanted, he and my mother moved east for a year (1940). In 1941 they moved out to East L.A.. Dad got a job out there. I think his company produced optical glass. After the war he sold commercial real estate for a time.

Hicke: So at UCLA you were a freshman in '39?

Williams: Yes. I graduated in '43.

Hicke: And you took history there?

Williams: Yes. I majored in history and minored in philosophy. I took history because I had history--a lot of it--in prep school and figured I didn't have to work hard to get my grades. I went to college to get an education and didn't want my studies to interfere!

[laughter]

Hicke: Okay, surf's up!

Williams: I joined a fraternity, Theta Delta Chi, which was my dad's fraternity, and later my brother's fraternity, at Williams College in Massachusetts.

Hicke: And you played basketball?

Williams: Played basketball, played freshman basketball. I was the president of my fraternity as a sophomore; so I was a member of the Interfraternity Council as a sophomore.

Hicke: That's pretty unusual.

Williams: Yes, it was.

Hicke: What did those jobs involve?

Williams: Well, as far as being president of the fraternity, you just had to make sure we paid all the bills and recruited new members, called pledges.

Hicke: You had to deal with the alumni, obviously.

Williams: Yes, they were helpful and it was not a problem to keep them interested. We made sure every member paid their bills, and we paid the fraternity's bills. We were involved in interfraternity activities all the time, and that was good, you know--all the other fraternities. Then we had exchanges with sorority houses. We'd have girls over for dinner and vice-versa. There was a lot of social activity involved. That was fun. I made the freshman basketball team, was on the varsity basketball team, and also had a bunch of odd jobs, so I was busy.

Hicke: After school? Part-time jobs?

Williams: Yes. Well, this was over a two- or three-year period. I worked at Westlake School for Girls.

Hicke: What did you do there?

Williams: I was a chauffeur for the head lady, and I waited tables at meals and did handyman work. Shirley Temple was a student there at the time. I hashed (waited tables) at sorority houses, and for a while after school, I went out and helped unload ships down at Long Beach.

Hicke: Did you have to join the longshoremen's union?

Williams: No, no. They may have given me a temporary pass, but they needed help because all their regular longshoremen had been drafted. So I kept busy doing all those things and enjoying myself.

Hicke: What did you get out of college that was the most helpful?

Williams: The degree. [laughter] No, I'm just being funny!

Hicke: Well, it IS helpful to get a degree! [laughs]

Williams: Being president of the fraternity was a great experience about life. It was like a big family. The 'brothers' were responsible, and you had to be careful not to get them angry by demanding rather than persuading. I knew the dean of men pretty well, because I was president of the Interfraternity Council, and we were both concerned about fraternities, that they behaved themselves. They did, pretty much, and we had many productive fraternity functions, as I mentioned before. It was a good way to get to know more students, and it was fun to know more people.

Hicke: Sounds like you had some people skills and management skills.

Williams: Yes, I think so. Being third in a family of six, I had to get along with a lot of people!

Hicke: You were used to negotiating.

Williams: Yes, right! That didn't seem to be a problem, as far as I was concerned. We had some good friends in fraternities.

Naval Service in World War II

Williams: The guys were getting drafted and going into the service. The war came along in December, and so I signed up with the navy the following March, 1942, for officer training school.

Hicke: Naval ROTC?

Williams: It was not ROTC; it was midshipmen's school.

Hicke: At UCLA?

Williams: No. I was ultimately called to active duty in March of 1943 and went to midshipmen's school in Chicago.

Hicke: Wait a minute. You signed up for the midshipmen's training in 1942?

Williams: Yes, in March of '42 and was called to active duty in March of '43.

Hicke: You were still going to school?

Williams: Yes, until they called me up in March of '43.

Hicke: You graduated in June.

Williams: I was scheduled to graduate in June of 1943, but they gave me my diploma, which was the best way I could get it.

Hicke: You didn't have to stand in line?

Williams: No, but I was able to go, and they said they would give me my diploma based on my record as of the time I was summoned to active duty.

Marriage, 1943

Hicke: You went to Chicago.

Williams: Then Kay came back, and in August of '43 we were married. She had my fraternity pin, so we were engaged before I left.

Hicke: How did you meet her?

Williams: In a sorority. I was hashing at the Alpha Chi house, and I was a junior and she was a freshman. I actually met her the first week of school at a dance held for the freshmen women in the women's gym. I saw this pretty blonde dancing in a red dress and cut in on her. She was wearing an Alpha Chi sorority pledge pin, and I asked, "Are you Alpha Chi?" "Yes." "Well, I'm a hasher in the Alpha Chi house." "Ooh," she said. The rules were you couldn't date a girl in the house that you worked in, so I transferred to the Pi Phi house and hashed at that house so I could date her.

Hicke: You said she was a freshman.

Williams: She was the Class of '45. I was Class of '43, so we dated, and I gave her my pin, and she came back to Chicago. We got married the same day I got my commission in the navy. She came by herself to my graduation. Midshipmen were not allowed to get married until they graduated from midshipmen's school. So the day I graduated, we got married. This nice little girl takes the train all the way back to Chicago. I met her at the station.

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Williams: She had a friend she knew in Santa Barbara who had moved to Canada, the eastern part of Montreal, Canada, so she came down to Chicago to the wedding. She was the maid of honor, and I had some roommates of mine there. One of them--Bayard Nielsen--was best man. He was a contractor in San Jose after the war. He stood up for us. We had a wedding in a big church, just the two of us, and they stood up for us in the big, empty church in downtown Chicago, right near the station. It was a huge church, a Methodist church. But just a small group of us.

Hicke: None of your family was there?

Williams: Kay's aunt came. She was in the service on the East Coast. She was able to get there by train.

So we got married, took a week for a short honeymoon in Wisconsin, came back to Chicago, where I received my orders to report to the *U.S.S. New York* (a battleship) in the Atlantic Fleet, Norfolk, Virginia.

Kay and another new bride, who had come to Chicago also, drove back to California, and I proceeded to Norfolk to join the Atlantic Fleet.

Hicke: Where did you get on board the ship?

Williams: In Norfolk, Virginia. So I was out to win the war.

Hicke: What were your duties?

Williams: I found out it was a training ship for main battery fire control on battleships and cruisers. They were building a lot of ships in those days. Most of the guys who got the training went to new ships and thus were able to be around a while. But in Chicago, I thought I was going to the Atlantic Fleet, so I sent Kay home.

[*Mrs. Williams joins the interview.*]

Williams: So she went back to California, and I arrived and assumed I would be assigned to new construction (a new ship). So I said to Kay, "Come on back, because I'm going to get new construction, probably on the East Coast, and we can be together a while before it is completed and joins the fleet."

Hicke: You thought you were going to be staying in the U.S.?

Williams: Yes, for a while, while they were still constructing it, before they would actually commission it. It meant six weeks, maybe a couple of months, "so come on back." She came back.

Mrs. W.: In those days, the only way you got there was by train. Planes were not available for civilians.

Williams: So my nineteen-year-old bride went all the way home from Chicago, then came back to the East Coast, and on the day she comes back, I get my orders to San Francisco to pick up the *U.S.S. Chester* in the Pacific Fleet. It was an old ship that was commissioned in 1934. So we get on the train and we go to Chicago, and from Chicago we continue to San Francisco together.

Mrs. W.: I was on the train eleven out of fifteen days.

Williams: [laughs] It all turned out fine.

Mrs. W.: He taught me how to play chess.

Williams: So then I reported to San Francisco. Kay was at the hotel. I went down to find the *U.S.S. Chester*. They didn't know where it was. "You don't know?" "No, I don't know where it is." So I called Kay. "They don't know where the ship is, so it'll be a while before they send me out to it." So she went down and bought a big box of soap.

Hicke: Thinking you were going to be there for a while.

Williams: Yes, a while. At noon they called me, "Ensign Williams?" "Yes, sir." "We found your ship." "Where is it?" "Pier 7. Report tomorrow."

Hicke: Oh, no!

Williams: "Report tomorrow." [snaps fingers] Next day, out we went.

Hicke: That was tough, Kay.

Mrs. W.: It was. It was really tough.

Shipboard Duty

Hicke: Now, what was your assignment on the *Chester*?

Williams: Main battery fire control. They had two turrets forward, each with three, eight-inch, .55 caliber cannon, and one aft. Those are big weapons. The main operation was supporting invasion of enemy-held islands. So I went aboard and was assigned to main battery fire control—my specialty in the training on the *U.S.S. New York*.

We went out to Pearl Harbor, and we were there about two days and headed for our first

combat, which was supporting the marines' invasion of Wotje Taroa, a small island in the western Pacific. We left San Francisco, stopped at Pearl Harbor a couple of days, and went out and joined the Seventh Fleet. The Japanese held a bunch of Pacific islands, and we would soften them up through ship and air bombardment, and then the marines would go ashore to dig them out.

Hicke: Did you have marines on your ship?

Williams: Yes, but they were not involved in the landing. They were part of our air defense crew. But I remember my first bombardment. We started in at about 35,000 yards, and the Japanese started firing at us.

Hicke: From the island?

Williams: Yes. We couldn't answer. We couldn't shoot that far. We had to go in to about 17,000 yards before we could even answer.

Hicke: So you moved in?

Williams: We had to go in, yes. It was a shoot-out. We carried two aircraft to view and report the accuracy of our bombardment. We could launch them off a catapult. After the engagement, they would land on the water so we could pick them up. But we had radio contact with them. We told them, "We can't fire yet. Keep going." So we finally started firing, which made us feel more comfortable because we were answering them. My position was with the main battery fire control computer below the water line. [demonstrates the height of water line]

Hicke: Up above your eyes, you're pointing to.

Williams: Yes, about eight feet up to the deck; our 'ceiling'--we called it 'overhead'--was below the water line. We called it 'Torpedo Junction.' Getting out of there--if you got hit, it would take from eight to ten minutes to climb up the ladders and open all the 'doors' to get up on the deck. Not too good, because that class ship could go down in about five minutes.

Hicke: Was the ship hit by the fire?

Williams: Before I was on the ship, it had been torpedoed at Guadalcanal and lost its bow. It was able to struggle into Australia, was fitted with a temporary bow, and went back to the East Coast and got a new one. I picked it up on its way back to the Pacific theater. The *U.S.S. Chicago* and the *U.S.S. Indianapolis*, the *Chester*'s sister ships, were both torpedoed at Guadalcanal and went down in five to six minutes.

The *Chicago*

Williams: They call it a Chicago Class Cruiser. There were about five: the *Chicago*, the *Indianapolis*, the *Houston*, and the *Augusta*. Ships of that class were identical or very similar to us; they didn't stay up very long once they got hit

Hicke: Did you know this before you got on?

Williams: Oh, yes. You do what you have to do. We were better off than some people and worse off than others in our position, you know. You have some guys--the marines, for example, were the really tough ones. They went on the beach with rifles, you know, to wipe out the enemy, face to face! We had overall about, oh, I guess I was in seven major engagements. I received seven stars—one for each of our seven engagements--on the Pacific Theater ribbon.

We also had the kamikazes after us. They were the Japanese suicide pilots who would come in and SHEEOOH-boom, smash their planes into the American ships. I found out what the Japanese kamikaze pilots did after the war--they all became taxi drivers in Tokyo. [laughter] If you've ever been in Tokyo, you know they drive just like they used to fly. [laughter]

Hicke: Did any hit your ship?

Williams: No. However, our ship was hit, but it was a misfire from another ship of ours. We lost two men on that accident. But the *Chester* did not get seriously damaged after it lost its bow at Guadalcanal.

Hicke: Were you convoying with other ships?

Williams: We were not convoying in the Seventh Fleet. We would have the destroyers and then the cruisers and then the battleships, and we'd all bombard an island and soften it up and send in the marines.

Mrs. W.: But Iwo Jima was one of the ones that--

Hicke: You were at Iwo Jima?

Williams: Yes.

Mrs. W.: And then you were also at Okinawa and Truk, weren't you, dear?

Williams: Yes. The Aleutian Islands, the Kurile Islands, Wake, Wotje Taroa, Okinawa, Truk, Guam, and a few others. All the way across the central Pacific.

Hicke: How long were you in the Pacific?

Williams: Well, I got out in, what?

Mrs. W.: October of '45, and you left in October of '43: exactly two years.

Hicke: Did you ever get off the ship?

Williams: Oh, yes, once we got back to San Francisco to get painted up, a new camouflage style paint job. We also came back to San Francisco and spent three months at Mare Island to get some repairs. The second trip was due to damages our ship suffered when we were rammed by a hospital ship. We lost two screws, so we came back to get that repaired.

Hicke: An American ship?

Williams: Yes. It occurred at the southeastern tip of Iwo Jima. Many ships were there, some putting troops ashore, others bombarding the enemy, and there were several hospital ships to handle the wounded. We were bombarding to the immediate north of the invasion site and could see the many LCVPs (small landing craft) bringing the wounded to the nearby hospital ship. It was after sundown and the LCVPs would often come by for directions to the hospital ship, which was astern of us. In any event, the hospital ship collided with our starboard quarter, knocking out both of our starboard propellers.

We went back to Mare Island near San Francisco and got fixed up, and then we went up to the Aleutians to prepare for the invasion of Japan. Sometimes we went from the Aleutians to the Kurile Islands and back--I assume in anticipation of an invasion.

After V-J Day, we went to Japan to commence the occupation. This was when I went looking for my younger brother, Dick, when his army unit was reported to be in the area. I took a train trip to where I thought he was, and sent Kay some sketches of the trip I took.

II LAW SCHOOL AND EARLY LAW PRACTICE

Hastings College of the Law

Hicke: When did you come back for the last time? It was October 1945, you said.

Williams: Yes, and I did not think my UCLA training prepared me for any special kind of career. So I said to my dad, "What do I do?" He said, "Be a lawyer." I said, "What?" He said, "Be a lawyer."

Hicke: That was the first time you thought of it?

Williams: Yes, really. I had done some court martial matters, but I hadn't thought of what my career would be until he suggested it. He said, "I have some good lawyers"--he was in the motion picture business, you know--"Kaplan & Livingston down in Los Angeles." So I met and talked to them about it, became encouraged, and entered Hastings [College of the Law] in a special course starting in January for veterans. I went there for my first year and then transferred to Boalt [Hall] for my second and third years. Boalt is in Berkeley, and Hastings is in San Francisco.

Boalt Hall

Hicke: Why did you transfer?

Williams: Primarily because I was living in Albany and Boalt would be much closer. Additionally, it was on the UC campus, which seemed to be more academic and had a finer reputation.

Mrs. W.: Also, my father graduated from Boalt. So I had hoped that he would.

Starting Private Practice

Williams: During my third year at Boalt, I had a discussion with Professor Frank Newman of a likely place for practice of law, and without hesitation, he said, "Go to San Jose." I said, "What?" He said, "Go to San Jose."

I asked why, and he said, "Well, it's got a great future. It's going to grow, and it's not far from San Francisco. Why don't you go there?" He related a recent conversation with an attorney from San Jose, Bob Beresford, who had recently come out from New York and after a study of the Northern California area had decided that San Jose was the place for him.

I went down to San Jose to talk to Mr. Beresford myself. He had also served in the navy, and he had a partner named Dave Adams who had also served in the navy during the war. So I affiliated with them.

Hicke: This must have been about '47?

Williams: Yes, because I then graduated from Boalt in '48. They made me a great offer: I could use their office space; I had to buy my own furniture; and I could use Bob Beresford's wife, who was the firm's secretary, and I could keep 50 percent of the fees I brought in.

I prepared a couple of wills and helped another naval reserve friend, who had a zoning problem that required an appearance before the County Board of Supervisors. Kay went to work in the library at San Jose State College, and I was able to draw up to \$100 per month from the G.I. Bill for self-employed veterans who earned less than \$100 per month.

We first rented a house, and then we moved into a place out in the northern part of San Jose, a duplex. An architect, Alan Walter, lived in the other half. He was working for the county planning commission and was aware of my appearance before the board of supervisors.

I guess it was apparent we were really struggling, and he said, "Hey, there's an opening in the office of county counsel. Why don't you apply for that? It's a good job." "If I go to work for the government," I said, "I'll work for government for the rest of my life." "No," he said, "you can quit anytime you want." So I appeared before the commission and applied for the job and was hired as deputy county counsel. Howard Camped was county counsel.

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Mrs. W.: Let's go back to the period before Spence started working with Bob Beresford and how you happened to go with him rather than with the tax guy. When Spence was deciding where to go.

Hicke: After law school.

Mrs. W.: After law school. He did make several inquiries in other places, and one of them was Al Ruffo, who was very well known. He was one of the original owners of the 49ers.

Williams: And mayor of San Jose.

Mrs. W.: Yes. He applied there, and also, because he was interested in specializing in taxation, went to this guy who was a combination lawyer and tax accountant. And the guy happened to be on vacation. Spence had to make a decision, so he decided to go with Beresford, because the other wasn't available. The interesting thing about it at that time was that most of the lawyers in San Jose were graduates of Santa Clara [University] or Stanford [University], and so I think one of the main reasons for going with Beresford and Dave Adams was that Adams was a graduate of Cal. It seemed more natural to go in with him than somebody from Santa Clara or Stanford.

Williams: Beresford came out from New York as a partner in a big New York law firm.

Mrs. W.: Yes, and he wanted to create his own huge law firm in San Jose.

Hicke: Is there another Al Ruffo story? I thought you started to tell me--

Williams: I talked to him, but we didn't conclude anything because he had decided to hire the son of a wealthy client who had just graduated from the University of Santa Clara Law School.

III COUNTY COUNSEL'S OFFICE, 1949-67

Deputy County Counsel

Williams: So I went to the county counsel's office. Howard Campen was the newly appointed county counsel. Originally the district attorney's office represented the board of supervisors in the civil matters, and the D.A.'s office handled both the civil and the criminal aspects of county law. But the board of supervisors created the office of county counsel about that time and selected Howard Campen, who was the district attorney's chief civil deputy, to be county counsel. He hired a fellow named Harry Nail, who was also doing civil law work in the D.A.'s office, as his number one assistant.

But they were looking for a third person, and, as I mentioned earlier, our neighbor, who was working for the planning commission and for whom I had handled some planning matters, said, "Why don't you go and see about that job?" I think I said, "If I go to work for the government, I'll be there all my life." "Oh, no, you can quit anytime you want to!" I said, "Okay," and I haven't quit yet!

So anyhow, that's how it started.

Korean War Service, 1950-52

Hicke: The start of a long career. Before we get into that, were you in the Korean War?

Williams: Yes.

Hicke: Okay, let's talk about that.

Williams: I was in the naval organized reserve and was qualified for duty as Officer of the Deck on heavy cruisers and destroyers. When the Korean War came along, I said to myself, "I'm a law specialist now. Maybe I should volunteer for active duty as a law specialist rather than be called up for sea duty. With two small children, that would be much more acceptable." And so I was called to active duty, and I was on the way to the War College with a temporary

assignment to the Navy Judge Advocate in the Pentagon before the class started up in the school of naval justice in Newport, Rhode Island. So I went to work at the Pentagon, where they gave me miscellaneous assignments, such as selling war bonds and running the inland donor program and so forth. I had a lot of miscellaneous jobs to do. They said I had to stay there. I said, "Sounds fine to me." So they put me on permanent duty there and we rented a house in Arlington, Virginia.

Hicke: You didn't go to the JAG [Judge Advocate General] school after all?

Williams: No. My boss, Herb Schwab, was a regular navy graduate who resigned from the navy and went to law school, then went back to active duty during the war and then stayed in the navy as a regular. Hellava guy. So I worked under him. We did a good job together.

Mrs. W.: Wasn't your main assignment providing for officers' assignments? In other words, people would be changing jobs and he assigned them out to new officer billets all over the world, both on the ships and on shore duty.

Williams: Yes. After graduating from the School of Naval Justice and receiving the designation as Naval Specialist, an officer would be referred to the JAG office for assignment. Their preferences were made known and would be granted if the rank and general qualifications fit the assignment. So that was my job for about two years.

Hicke: So you were there--I have the dates here--from '50 to '52.

Williams: Yes.

Mrs. W.: October of '50 to about June of '52. Do you want to mention about the legislation work you were doing, the lobbying?

Williams: Yes. I was lobbying Congress to make sure the reserve officers got the same pay raises as the regulars got. They were treating us differently. And so I started doing my lobbying [laughs].

Mrs. W.: That was his original start with the federal government and learning the way it works. [This exchange refers to Williams's later activities informally "lobbying" for federal judges.]

Williams: Yes. [laughs] Now they would have had to sue for it. But then I was able to talk to people on the hill [in Congress] about the pay of reserve officers while my boss, Herb Schwab, would be over on the hill lobbying for the regulars, his side. We never ran into each other in the corridors over there, but we each knew what the other was doing. [laughs]

Hicke: Whom did you talk to? Congresspersons?

Williams: All sorts of Congresspersons.

Mrs. W.: The guy who really let us down was the chairman of whatever committee it was, who was from Louisiana--Russell Long, son of Huey Long. He was the senator from Louisiana. And he told Spence, Yes, he'd vote for it, and of course he turned around and voted the other way, which made the difference.

Hicke: Oh, it was the deciding vote?

Mrs. W.: Well, he was the chairman, so whatever it was--that was my first disillusionment with politics.

Williams: [laughs] It was a good lesson.

Hicke: Were you successful, then, in the long run?

Williams: We finally got it, but I forget how it happened. The pay raises are the same now.

Mrs. W.: Oh, yes. The term at that time was constructive--what was it?

Williams: Service.

Mrs. W.: Yes, constructive service. In other words, what they were trying to do was the regular navy people, once they got their law degree, were moved up. They were actually jumped in rank; like if you were an ensign, you became a lieutenant commander.

Williams: That's right. They gave him retroactive credit for the years spent at law school. They didn't give it to the reserve officers, just the regulars. That was outrageous.

Hicke: That was part of your--

Williams: Yes, lobbying efforts.

Mrs. W.: It was called constructive service, allowing for those three years at law school. I think it was three years.

Williams: Yes. So they added the time. That gave them a chance to promote them.

Mrs. W.: Which made a considerable difference in the pay.

Williams: Oh, sure.

Mrs. W.: Spence has been working on this pay thing forever!

Williams: It's handled differently now. They go to court rather than go to Congress to get the solution. [laughs]

Hicke: You've done both.

Williams: Right, yes, in a somewhat different context.

Hicke: But you got in your first licks in the fifties.

Williams: Yes, that's right. Herb Schwab was a helluva guy. As I say, he was a regular officer. He left the navy to practice law, and then when the war came along, he went back in the navy and regained his regular commission. He was a helluva guy.

Hicke: Even if he was on the other side!

Williams: Oh, he had to be. And we never talked about it.

Mrs. W.: Well, the interesting thing to me is that he never once said to Spence, "You can't do this."

Williams: No, not at all.

Mrs. W.: He was principled.

Williams: Admiral George Russell was the JAG, I think.

Run for State Assembly, 1954

Hicke: What did you do when you got out of the navy?

Williams: Came back in the county counsel's office, and they had moved in a fellow to take my place when I was away, Don Currin. Nice guy. But since the board of supervisors put him in my position, I was subordinate to him when I came back. I was back for a while, and got into politics supporting a friend of mine who was in the state legislature.

Hicke: Who was this?

Williams: Bruce Allen, a member of the State Assembly. When Bruce Allen announced that he was going to run for the State Senate against Jack Thompson, a long-time senator from Santa Clara County, I decided, *Here's my chance*, and declared I would run for the office Bruce was vacating.

I announced my candidacy and got started organizing my campaign. Then Bruce said, "I'm changing my mind. I'm going to run for my own office, and I assume Spence is going to get out of the race." He hadn't talked to me about this.

I said to myself and Kay, "Being *assumed* out of a race doesn't show much political independence and strength, does it?" So I decided to run anyhow. I didn't think I'd have much chance of winning, but I'd rather run and lose than be talked out of a race through political influence. So I ran and didn't make it.

Mrs. W.: This was quite a story.

Hicke: Yes, let's get the story.

Mrs. W.: Spence became well known in the process. Harry Farrell was newly appointed as the political editor for the *San Jose Mercury News*. What happened was not only did Spence run for the Assembly but two other people did also: one, the ex-mayor, whose name was Parker Hathaway, and the other was the incumbent, Bruce Allen. It was about this time that Spence

had become San Jose Young Man of the Year. He also was president of the Junior Chamber of Commerce and president of the Kiwanis Club.

Hicke: What year are we in now?

Mrs. W.: 1954. But we're skipping. We need to go back. There's a lot of fill-in stuff before that year.

Hicke: Let's finish this story and then we'll go back.

Mrs. W.: Okay. Because Harry Farrell was new and he was writing stories regularly, we got absolutely fabulous press, where normally in an Assembly race there would be nothing. It was you and Bruce Allen and Parker Hathaway. So it drew a lot of attention locally. Harry started this, and he went on to become the political editor and only recently retired, I guess. Anyhow, he wrote a lot of stories and they printed a lot of stories, so it was a pretty exciting race. Spence knew that he wasn't going to win, but he was going to keep making a go at it.

But it all started with a number of friends who were all members of a group called--

Williams: California Republican Assembly.

Mrs. W.: It was a case of this group of people had all been supporting Bruce Allen, and so it was a pretty natural thing for Spence to come up and replace him. When Spence then again had to decide whether to get in or out--I can remember it to this day--there were ten guys who sat in our living room and helped him make the decision, and those guys--all of them are good friends. It was a very special group of people.

Williams: Bob Lindsey was the real politician of the group. Others were Jay Welsh, Wes Strouse, and some others.

Mrs. W.: Anyway, they said, "You should still go for it," so he did. I was pregnant with number four at that time.

Williams: They couldn't vote, though. Yet. [laughter]

Hicke: You raised your own voting block!

Williams: Yes, sure.

Mrs. W.: I had a women's committee, and we were stuffing envelopes and doing all that, and I was getting larger.

But I have to go back a little bit to something else.

Hicke: Sure.

Mrs. W.: When he first started practicing--we had Carol while he was in law school--

Hicke: Your daughter.

Mrs. W.: Yes. And then in September of '49, Pete was born, and Spence was just starting his law practice, and we had no money. We were getting \$100 a month. So when I went into the hospital to have Pete, we had no money to pay the hospital.

Williams: I had to borrow the money!

Mrs. W.: Spence went down to the bank. His office was on the upper floor of the Crocker-Anglo Bank, and so he went downstairs to borrow some money, and he borrowed \$200 to get me out of the hospital! [laughter] That was when he decided to go into the county counsel's office.

Hicke: I hope Pete paid you back!

Williams: Many times.

Mrs. W.: He lives here in Sacramento and he's wonderful to us.

Hicke: That's a good story. We didn't finish the campaign, did we?

Mrs. W.: Oh, we have a lot to do on that, if you want.

Hicke: Yes, let's do it. Let me ask you a question. Did this Republican group pay for the campaign?

Williams: No.

Mrs. W.: We had to raise our own money.

Williams: They were supporters, but—

Hicke: Moral supporters.

Williams: Yes. They didn't have any money either. They were just starting out, young people. Junior Chamber of Commerce sort of thing.

Mrs. W.: Yes. Spence's original base was the Junior Chamber of Commerce. He was very active, and he had this friend, Bob Simmons—

Williams: IBM.

Mrs. W.: Yes. He was with IBM. They used to trade. In other words, Spence would get on a committee and the first person he'd call was Bob Simmons to help him on that committee, and then when Bob had a committee, he'd call Spence. They worked on hospital drives and Better Business Bureau. Spence spent a lot of time on outside activities—you know, just getting acquainted with the community. Then he was named Young Man of the Year by the Junior Chamber of Commerce. Which gave him some notoriety.

Hicke: No, fame. Fame!

Mrs. W.: [hearty laughter] Okay, misuse of the word. Never really thought about it that way. Anyway, as a result of that and his being out in the community, he realized that he could run for office. He joined the Kiwanis Club, and he was very active in Kiwanis. He went up through the chairs and was president sometime along the way. This was from 1949 to 1950, and then again in 1952, and he ran for Assembly in '54. In the meantime, we had all these friends who were interested in backing him--wanted to see new faces in Sacramento.

Then he was defeated, but that was fine with us. We knew that that would be the way it would be. Along the way, we became well acquainted with Charlie Gubser.

Williams: He was a congressman.

Hicke: Your congressman?

Mrs. W.: Yes. So Spence went out and distributed flyers to all the areas around, and Charlie has never forgotten that.

Williams: Put up signs.

Mrs. W.: Yes. We were all out getting Charlie elected and re-elected. Bob Lindsey was chairman of his committee. That's how we got to get better acquainted with Bob Lindsey.

Is this too much detail for you?

Hicke: No, this is great.

[tape interruption]

Promotion to County Counsel

Hicke: Let's go back to the county counsel's office.

Williams: Yes. When I came back from the Pentagon to the county counsel's office, they had moved Don Currin in, and so he was senior to me. So Howard Campen was the county counsel, and Don was the assistant, and I was the third in the office. But later, when Howard Campen left the county counsel's office to go into practice, the board jumped me over Don and made me county counsel.

Mrs. W.: That's a story all by itself.

Hicke: Well, let's hear it.

Williams: Okay. The board made me county counsel, and Don Currin left the office. The board of supervisors, as a consolation, gave him the duty of being a lawyer for the various water districts in the county.

Mrs. W.: They did a very nice thing. They matched salaries, so that he wouldn't be demoted or anything.

Williams: So he became attorney for the water districts, and I became county counsel. I built my own staff. As county counsel, I was a member of California District Attorneys Association, because district attorneys in many counties handle both the civil and the criminal matters. L.A. was the first one that divided the district attorney and the county counsel into two separate offices: one is criminal, and one is civil. So they had separate offices, rather than have the D.A. divide his time.

Santa Clara County was one of the earliest counties that followed the L.A. example, so I became county counsel. I had my own department and my assistants and so forth.

Mrs. W.: Just to elaborate a bit, when Spence came back from the Korean War he had seniority, because when you go into the military and you come back, they have to give you at least the same job. Well, the fact was that he was third.

Williams: Harry Nail, who had been senior to me, had left.

Mrs. W.: Yes. So Spence should have been given the second position when he came back. But while Spence was gone, Howard had brought in Don Currin from the D.A.'s office. Then there was the question of who should be number two in the office. And so it went on, and Howard wasn't making up his mind because he wanted to do the right thing by Spence, but he also wanted to do right by Don Currin. So Spence, in essence, said to him, "Okay, I'll be the good guy. I'll stay at third. You go ahead and leave Don in second." Which was typical of what Spence has done all his life.

About six months later, the county counsel's position opened up when Howard Campen left for private practice. At that point, Spence had as much right to be county counsel as Don did. So the board of supervisors decided to interview both of them.

Williams: Oh, yes. [laughs]

Mrs. W.: But Spence was really smart.

Williams: Let me tell you about that. Since I was going to be interviewed, I prepared a folder for each supervisor with a two-page summary of my experience. Don Currin said, "Are you going to show that to the board?" I said, "Yes." He said, "I have one too." He had a one-page document. So we each took our summary reports to the board.

Mrs. W.: The night before the board was to make the decision, we had the Currins over for dinner. We sat around and talked and decided that whoever wins, that's fine; we were not going to lose our friendship over it.

Williams: And we didn't. So I became county counsel.

You have here on your outline a list of my duties.

Hicke: Yes. Could you just run down the list and elaborate? Let's start with the Board of Supervisors.

Williams: As county counsel, I was the attorney for the Board of Supervisors. So when they have ordinances to adopt, the county counsel prepares them. The county counsel also advises the board on matters of litigation the county is involved with on several issues. If they are condemning property, we handle the condemnation proceeding. If they are being sued on a matter not covered by insurance companies, the county counsel would handle the defense. Santa Clara County was growing like crazy, just exploding. There were all sorts of legal issues to deal with.

We also represented all the school districts, all the sanitation districts, all the other special districts. It's a very big government job.

Hicke: How did you learn to do all this?

Williams: Mostly during my years as a deputy county counsel. I developed a good staff and worked at it. Another county counsel's office was in Los Angeles, and the county counsel there was a fraternity brother from UCLA, so I could call him for assistance when I needed it.

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Hicke: So as county counsel you handled civil law matters.

Williams: Yes, not criminal law at all. But county counsels were members of the District Attorneys Association, as I've said, so when I later ran for attorney general as past president of the California District Attorneys Association, many people assumed I had been a criminal prosecutor. And while this would be technically incorrect, it made little practical difference, because the State Attorney General is also responsible for the state's civil law matters as well as its criminal matters. So my real qualification for running was my civil law experience, which was a big percentage of the state attorney general's responsibility and, in my view, was more important than criminal law experience. So that gave me the chance to run. And I ran.

Campaigning for California Attorney General, 1966 and 1970

Hicke: Okay, let's talk about your run for attorney general, and that was in 1966, your first run.

Williams: Yes. I got the nomination, but I didn't win. The *Los Angeles Times* endorsed my opponent, who was the incumbent attorney general, Tom Lynch. Their reasoning was that the *Los Angeles Times*'s editor was a good friend of the Los Angeles County district attorney, Evelle Younger. The *Times* was grooming Younger to become attorney general and then governor and didn't want me to get in Younger's way. The *San Francisco Examiner* endorsed me, but the *Times* endorsed the incumbent.

Mrs. W.: So Tom Lynch was re-elected. But that's only part of the story.

Hicke: Let's have the other part.

Williams: Okay.

Mrs. W.: Well, in the first place, Spence did go around the state to find out who else might be interested in running. One of the people that might have been interested in running for attorney general was [George] Deukmejian. But after Spence went to visit him, he decided not to run then, because he knew that Spence would do pretty well.

Hicke: What was he doing at the time? Practicing law?

Williams: Deukmejian was in the legislature, wasn't he?

Mrs. W.: At that point he was. Spence took a leave of absence as county counsel and went around the state and interviewed both people in the press and people he thought might be running. Prior to that time, [Richard M.] Nixon had run for governor, and after he lost, Spence went to see him, and Nixon gave him the names of people to see--you know, staff people that might be interested in working for his campaign. Part of the reason for that was that there was a guy by the name of Judd Leetham, who also was interested in running, and he had been chairman of the Los Angeles County Republican Central Committee. (He later became a judge.)

Leetham didn't like Nixon very well. There had been a mailing going out to everybody--"Nixon for Governor"--right before the election, and Judd Leetham managed to get the whole mailing thrown away, and it never reached anybody. So there was no love lost. Anyway, so Nixon was happy to give us some staff people's names in order to help us run against Judd for attorney general. The other guy that was in the race was a policeman. His name was Jimmy Oppen.

Williams: L.A. Police Department.

Mrs. W.: He was honest, jolly, but not very well known. But after a while, when he kept hearing Spence's speeches, he was really all gung-ho for Spence.

Hicke: Oh, great!

Williams: He endorsed me.

Mrs. W.: He really did. In the general election he endorsed Spence.

Tom Lynch was pretty clever. He was never available to debate Spence. When he had some stomach trouble and had to have surgery, they took him to a children's hospital so the press wouldn't find him. And then he went off to Hawaii for a while. He was just running on his incumbency as district attorney for San Francisco City and County.

Spence won every county in the state except Los Angeles.

Williams: The *L.A. Times* endorsed Reagan for governor and Lynch for attorney general, and the *San Francisco Examiner* endorsed Brown and me. But the big muscle in L.A. is the *Times*, and as

I said, they wanted Evelle Younger to become attorney general only later governor, and if I were attorney general, he would never be able to make that step to governorship. So they endorsed Lynch. Evelle Younger was the one who really beat me.

Hicke: You said you were out making speeches. Did you have some issues that you ran on?

Williams: The issues for the Assembly run were mandatory safety belts and drunk driving--get tough on drunk driving. And smog control. In Santa Clara County we went to the smog control for cars when I was there, and it was getting to be a statewide problem.

We didn't know for two days whether I had won or lost. We were driving back from L.A. and called in halfway up there and found that we had lost, so I called Lynch to concede.

Hicke: So, Kay, did you join the campaign?

Williams: Oh, you bet.

Mrs. W.: I drove him everywhere until they separated us so that I could do campaigning with the wives and he would be with the husbands.

Hicke: You gave speeches too?

Mrs. W.: Yes.

Hicke: What issues?

Mrs. W.: I just talked about Spence and how wonderful he was and how qualified he was, being county counsel, and I talked about the fact that the county counsel job was a big one and that he had the necessary experience.

One time he had made a promise to go to Santa Barbara for a speech, and unbeknownst to him, a secretary had accepted for him to go to a picnic someplace in the [San Joaquin] Valley, where all the oranges were growing. He was really stuck with the Santa Barbara appearance, so I went to the picnic. It was at night. They had a platform that must have been twelve feet high at least. And there were 6,000 people there, but they had spotlights on it so that you couldn't see the crowd. If you're talking to a crowd of people, if you can put your eye on somebody and talk to that person, it makes it a lot easier. But I couldn't even see.

Williams: I went to Santa Barbara. She was right in the Valley.

Mrs. W.: It was fun. I traveled with Nancy Reagan and Midge Flournoy, the three of us. Flournoy was running for comptroller. Hugh Flournoy – does that name ring a bell?

Hicke: Yes.¹

¹ Houston I. Flournoy [b. 1929], member California State Assembly, 1961-66; California State Controller

Mrs. W.: I can remember we hit all the northern counties, way up at the end of the world. And Don DeFore, the actor, was with us. Do you remember him? He would introduce us. Nancy would speak first, of course, and talk about Ronnie, and I'd talk about Spence, and Midge was talking about Hugh.

Hicke: Can you give me your impressions of Nancy Reagan?

Mrs. W.: Oh, I have lots of impressions. Do you really want to know them?

Hicke: Well, I think it would be good to add to the historical record.

Mrs. W.: I think she's very misunderstood. She's just a very private person, and I think she never expected to be in that kind of political game. When he was running for president the first time, all the cabinet people from Sacramento went with him to the Republican convention in Florida, and I really felt sorry for her because people were at her just like they do with any famous person. She had her set of friends, and she was perfectly happy with her life without the public life, and she got thrown into it, whether she liked it or not. I think over a period of time she did balance out, but when she was the governor's wife, they would invite her to some function and she would go to the function, but the minute it was over, she'd get out. She wouldn't stop and talk to anybody. So people didn't like that. It was explained to her, but she still didn't want to do that.

So I've always been very sympathetic. You can't go anyplace without being noticed. Even when she was in Sacramento, there was just no privacy.

But we were very fortunate because one of the things that they did was to entertain at their home. Since they didn't have a governor's mansion, they entertained at their home on 46th Street. They had parties for the legislative people. So what they would do is invite some Republicans and some Democrats and have a nice cocktail party and dinner served in the backyard of their home, and they always had cabinet people there.

We knew a lot of legislators through those meals, and of course, Skipper was somewhere between ten and twelve, I guess, when the first parties started, and he had a lot of attention, too much attention, probably. But we all had a good time at those parties. And so were close.

When Spence left to run for election, and at the same time Cap [Caspar] Weinberger left to go to Washington, then Nancy gave them each a very beautiful gift of crystal. It was a family, wouldn't you say?

Williams: Very much so. I have a picture of the cabinet meeting. Have you seen that one hanging on the wall?

Hicke: I'd like to look at it on the way out.

Mrs. W.: I think we have more to talk about, if we're making a history of this, on the original election. We ran on so little money--I think it was somewhere around \$31,000 for the primary and \$137,000 for the general election. It was hard to raise any money. And afterwards we had a deficit. One of the guys who had a Chevy dealership in San Jose [Bob Hamilton] had a

cocktail party, and Reagan came, and as a result, we were able to get rid of that indebtedness. But the second time around, when he ran in 1970, we had to pay it all back. We had to pay for all the deficit because Spence was up for judge and he couldn't take any money from anybody.

Williams: I served four years with Reagan up here before I ran the second time.

Hicke: Yes, you've done a whole oral history on that period, so we're not going to cover that here.²

Williams: Right.

Hicke: So the second time you ran was in '70, and didn't the Republican Central Committee support your campaign? You didn't get any funds from them?

Williams: They didn't take any position. They didn't support anybody.

Mrs. W.: It was customary for the Republicans--I don't know about the Democrats--not to take sides in the primary. You raise your own money.

Hicke: Oh, I see; we're talking about the primary.

Mrs. W.: But going back to the first campaign, when we actually went in to the general, we had a couple of opportunistic campaign managers who did a terrible job in the primary, so in the general election, his best friend, Bob Simmons, came and managed the campaign. And then about halfway through the campaign, we weren't getting any press, so Spence's brother, Bob, who was editor of the *Pennsylvania Farmer*, came out from Pennsylvania and did the press for him for the last half.

Williams: Yes, he did a great job.

Mrs. W.: He did a wonderful job.

Hicke: Who was the opponent in that one?

Mrs. W.: That was Tom Lynch, the first time around.

Hicke: Oh, yes. And the second one?

Mrs. W.: John Harmer and Evelle Younger and George Deukmejian. Spence got more votes than Deukmejian did! John Harmer was a Mormon.

Williams: Very conservative.

² Spencer M. Williams, "The Human Relations Agency: Perspectives and Programs Concerning Health, Welfare, and Corrections, 1966-1970," an oral history conducted in 1982 by Julie Shearer, Regional Oral History Office, The Bancroft Library, University of California, Berkeley, 1986. Attached at the end of this transcript.

Mrs. W.: He got his money from the Mormons, and he also got the votes of the Mormons. He was a right-winger.

Williams: Very much so.

Hicke: Evelle Younger won, right?

Mrs. W.: Yes. And that's about the end of it.

Hicke: Okay. Is that about it for your campaigning?

Williams: I think so.

Experience With National Organizations

Hicke: Now, is there more to say about the period when you were county counsel in San Jose?

Mrs. W.: Well, we had a very good friend in Washington, D.C. by the name of C.D. Ward, and C.D. was involved in the National Association of Counties. That's how we met him. Spence was a delegate to the National Association of Counties, which is actually the supervisors from the various counties. C.D. decided that there should be a national association of county civil attorneys--in other words, the county counsels from all over the country. So he engineered the organization of that, and Spence was the first president.

Hicke: What did that involve?

Williams: Just meeting several times a year and talking about mutual problems and how you solve them and so forth.

Hicke: You organized discussions for the meetings?

Williams: We just had general topics.

Mrs. W.: What they would do, they would have a meeting of the National Association of Counties--NACO, they called it--and there was a building in Washington, D.C., so they would have the county attorneys have their meetings at the same time in Washington, D.C., which was politically good also, because then the supervisors and their attorneys would have a closer relationship, which was just kind of a good political thing. Right?

Williams: Yes. I'm just thinking about the FJA and the transition there.

Hicke: You were thinking about the transition to the Federal Judges Association?

Williams: After I became a federal judge, I organized the Federal Judges Association.

Mrs. W.: That's all in her history already.³

Hicke: The transition—I see. This gave you experience and working knowledge of how national organizations could function.

Williams: Yes.

Hicke: Yes, that's an important point.

Williams: One of the disappointments was that when we formed the FJA, C.D. Ward applied to be counsel for them, but the board selected someone else. He was very upset, and properly so, and I was too. But I couldn't control the vote, and he didn't get that job that he should have had.

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Mrs. W.: You have friends who stand with you through thick and thin, and others that leave you at the drop of a hat. It's sort of what you learn along the way in politics--that people are very opportunistic.

Williams: Well, the person that got the job represented the ABA in Washington, lobbying and so forth, and was much more experienced than C.D. Ward was. We interviewed C.D., and I recommended him, but the board went some other way.

Mrs. W.: The guy who got the job at that time had been lobbying for the American Bar Association, and you can't beat that as a recommendation.

Williams: Yes. He had much more experience. I felt badly about it. C.D. felt hurt.

Mrs. W.: He felt it was Spence's fault that he didn't get it. But those things happen. What I would like to say is that for every person who disappoints you, there are twenty people who go beyond what you think they're going to do in the way of helping you. We had a lot of friends around this country who were just extremely helpful.

Responsibilities as County Counsel

Hicke: I think before we stop today I'd like to make sure we covered your work as county counsel. Was water a problem—the water districts?

Williams: No. When they could get it, they would distribute it. They would have delivery systems. But in Santa Clara County, they would build reservoirs and collect water and then distribute it during the off season. So there were no legal problems; it was just a matter of getting the job

³ "The Federal Judges Association in the Twentieth Century," Carole Hicke, 2000

done. They would organize, and I would handle the legal aspects of it, but there were no major problems in the acquisition of the property or the acquisition of property for the dams.

Hicke: What were your major problems as county counsel? Did you have to hire personnel? Was that a problem?

Williams: No. We hired qualified people and they would do the job that was required to be done. We had a small staff and we all got along well both personally and professionally.

Mrs. W.: Did you talk about the school districts?

Williams: I represented the school districts.

Mrs. W.: That was a major challenge.

Williams: We had a lot of lawyers devoted to it. We had teachers' tenure problems, general responsibility, questions, and that sort of thing.

Hicke: Are you talking about strikes or litigation?

Williams: Some personnel problems, discipline--teachers and staff. There were just legal problems, no big political problems involved. People would solve the problems, saw how they'd handle it, what the pros and cons were, how to conduct themselves. There was a lot of business--I mean a lot, *a lot* of business, but there were no major critical problems that I recall.

Mrs. W.: I was thinking of the expansion of the school districts.

Williams: Oh sure. The county was growing like crazy, and we had all these school districts that were acquiring property on which to build schools. The county had to build new highways, and we had a lot of subdivisions that had to be approved in the county, and all that--just a tremendous amount of work. And we increased our staff to handle it all, but I can't think of any major, serious political problems that we had to deal with.

Mrs. W.: We had some very individualized kinds of supervisors when you were county counsel.

Williams: Oh, yes! Sam Della Maggiore was a person unto himself. He and Ed Levin were two supervisors who'd each come to me and say, "You're doing a swell job, Spence, but boy, that county supervisor--he's a terrible guy." They were both telling me how good I was but how bad the other guy was. [laughs] Of course, I couldn't comment on that sort of thing. I worked for both of them. They both supported me. But they didn't like each other.

Mrs. W.: And one of the other supervisors was an old bachelor. He'd been around for years and years. And after Spence was appointed county counsel, he knew that Spence didn't have enough money to keep on going, so he sponsored two raises for him within about two months of each other, totally unexpectedly. He left shortly after that. He wore the same shirt for thirty years, and it was fraying around the collar. He was very supportive of Spence.

Williams: Joe McKinnon.

Hicke: How about budget problems?

Williams: Never had any budget problems.

Hicke: No? You got whatever you wanted when you needed more lawyers?

Williams: Yes. We prepared the budget. Howard Campen would okay it and the board would accept it. There were no problems at all. We had to get some more office space, but we did that all right. When we moved out to the new county civic center--we moved from the county courthouse downtown to a building they built specially for us to serve as our office. It had a porch with a little rail around it.

County counsel was a great job, and I enjoyed it, and I got along with all my supervisors. They didn't get along with themselves, but we all individually got along fine. When I ran for attorney general, they gave me leave of absence.

Then Reagan said, "Spence, I want you to come up and help me out." He asked me and Cap Weinberger to reorganize state government. I think this is already in the history.

We said, "Put the 'people service' departments into a single agency, and they did. It incorporated about two-thirds of the state budget--thousands of employees. It did the job.

Hicke: It's interesting to see how your experience just leads from one thing to the next. You keep building on your experiences all the time.

Williams: Yes.

Mrs. W.: One of the things I always thought was important about Spence is that he never interfered with people and what they were doing. He'd give a person a job and he'd expect him to do it. And he would support them. He was very supportive of all his people. He's a delegator, and he did. He takes over, and does not worry about it unless they come in and say, "I have a problem." That is the way you should manage people. He learned this technique in his navy years--called 'completed staff work.' He did it in the county, and then he was able to do the same thing when he went to the state.

Hicke: Yes, that's what I find really interesting--it's always building and building on your--

Williams: Same job on a larger scope.

Hicke: Yes.

Williams: I had the office across the street from the governor's office here in Sacramento. In fact, I was right across the hall from the governor's office until the director of Finance persuaded the governor that his job required more frequent access to him than mine did, so we switched offices.

But anytime I needed to see Reagan, I'd just go knock on the door and go in and see him. No problem. He was a great supporter.

Mrs. W.: He also had a red phone--a direct line to Reagan.

Williams: But back to Washington. They wanted me to go back there to help Bob Finch, who was being considered to handle the H.E.W. I said, "I'm not going to bring six kids to Washington. No way."

Mrs. W.: We could have afforded to go back if he had gotten into a second-level cabinet position, but going down to the third level, there was just no way we could have six kids back there.

Williams: Put them in school and so forth, no.

Mrs. W.: So that's the reason we didn't go back. We did go back for the inauguration, and we were invited to a party by John Chamberlain. He was a TV anchor. And at three o'clock in the morning I looked around at all these people who were high up in government, and everybody was loaded, and I decided I didn't want to be part of that.

Hicke: A whole different world. Well, maybe this is a good place to stop for today.

Williams: Yes.

[end of interview]

IV JUDGE, UNITED STATES DISTRICT COURT

[Interview 2: September 26, 2000] ##

Law Practice in Sacramento and San Jose

Hicke: We're going to start this morning with your time in Sacramento. The political part of it is covered in another section, but maybe you can tell me about your law practice there, which you must have carried on at the same time.

Williams: I met some fellows who were practicing law: Herb Jackson, Tony Kennedy, and Hugh Evans. I affiliated with them in their Sacramento practice and also affiliated with a firm in San Jose -- Rankin, Oreal, Luckhardt, Center & Hall. I was affiliated with both firms. So they said, "How can you be with two firms?" I said, "Well, why not?"

Hicke: I've never heard of anyone doing that before.

Williams: It was sort of a transition. I didn't do much for the firm there in Sacramento.

Hicke: What kind of practice was it?

Williams: General practice, what I could get.

Hicke: Civil?

Williams: Yes.

Mrs. W.: You were what they call "Of Counsel."

Williams: Yes. Some of the firms would just have you on their letterhead as "Of Counsel." But I didn't have many clients at the time, and I was waiting for something to happen, since I was interested in getting appointed to the federal bench. When I was asked if I'd like to be on the federal bench, I said, Yes!

Mrs. W.: Can I just inject two things?

Hicke: Go right ahead.

Mrs. W.: First, the name of the Sacramento law firm was Evans, Jackson & Kennedy, and it's the "Kennedy" who is now on the U.S. Supreme Court. During that period of time, Spence also did a report for the Commission on Aging in Washington, D.C., and did a lot of research and I think offered some really good ideas about what might be done to help the senior citizens. They're in the report; it's around someplace. I don't know where.

Hicke: Was this for the state?

Williams: No, for the feds. They were going to do a national Commission on Aging convention prior to their meeting. They had people do these reports in advance to be presented at the meetings.

Hicke: And do you recall what was in the report or what you concluded? Or what questions you asked?

Mrs. W.: Well, it was concerning what might be done to make the life of seniors better, something that the feds could be doing.

Spence's big case at that time was a lawsuit in federal court in Sacramento about potatoes in Idaho. He did a quick study on potatoes, and he could tell you all about how they are raised and the quality of the potatoes and all that.

Hicke: Was it some kind of special potato?

Mrs. W.: No, it was the method of raising the potatoes and their storage.

The final thing was it described what the lawyers do, and that is that they bone up on a subject when they have a case, and then afterwards they totally forget about it. I think they call it the bathtub approach. You fill the bathtub with all the knowledge; then, when you don't need it anymore, you pull the plug. [laughter]

Hicke: Yes. You don't really have the knowledge, but you have the skill to acquire the knowledge. Do you recall anything about the outcome?

Mrs. W.: Spence was co-counsel with Bruce Werlhof. The idea was to have had experience in a federal court case for the benefit of his resume for the appointment to the bench.

Appointment to the Bench, 1971

Hicke: Let's talk about that. Who brought up the subject of you being appointed to the bench? Had you thought about that before?

Williams: I think most lawyers aspire to that, so I'm sure it was in my mind. I don't recall what we did about it. I remember a meeting we had in San Francisco, Kay and I, with Richard Nixon, who gave us good ideas about running for attorney general.

Mrs. W.: I think the contact was made by George Murphy, who was--

Williams: U.S. senator.

Mrs. W.: Yes, he was senator at that time, and he was a Republican. The other senator was--

Williams: Gene Tunney's son.

Hicke: John.

Mrs. W.: Yes. He was a Democrat from Southern California, and George was a Republican. He knew people we've been involved with.

Williams: Kay had worked on Nixon's campaign when he ran for governor.

Mrs. W.: Yes. I was women's chairman for Santa Clara County. Big title! I just was in charge of trying to get people to vote for him in Santa Clara County. I was also involved with Republican women for years, and then when Spence was appointed to the bench, we were advised we should go nonpartisan, and he and I have been nonpartisan ever since.

Hicke: Yes, so you met with somebody, but did you get a telephone call, or how did it come up?

Mrs. W.: Spence initiated the call to George. He indicated he was interested. I don't recall that you even met with George Murphy. Murphy was the contact; Nixon was president. I think one of the persons you undoubtedly talked to was Cap Weinberger.

Williams: Yes, Cap and I had worked together on many things, and he was very helpful. Kay and I were in San Francisco in the hotel room, and in comes Nixon with two others.

Mrs. W.: That was before Nixon ran for president. He was in between running for governor and running for president.

Williams: That's my recollection of how the judgeship first came up.

Hicke: And George Murphy decided to sponsor you?

Williams: Support, yes.

Hicke: Who else was up for it?

Mrs. W.: There were several people in the running. One of them was a guy in San Francisco who they actually thought was going to get it, because he was very active in the bar association. Vincent Cullinan. He had all the contact with the bar association--you know, he had gone through the chairs. There was somebody from Southern California. So we never had a clear indication that George was doing anything about it. Then he was running for re-election, and he failed. And then our acquaintance from Los Altos, Alan Cranston, was elected, and at that point he became the person to contact.

Williams: I knew Alan, too, quite well. From Santa Clara County.

Hicke: He put your name in front of a congressional committee? Is that how it goes?

Williams: They had to present my nomination to the Senate Judiciary Committee and they had a hearing on it to approve or disapprove. The nomination is made by the two senators after FBI and bar association approval.

Hicke: Were other names presented at the same time?

Williams: Not for the same position, but there were about four of us [Spence, Kay, Jan, and Diane] who went into this hearing, not like today when you have one guy and this big crowd. There were some senators on the Judiciary Committee on the bench, and we sat there, and nobody came in. There were no people protesting or anything like that. They asked, "Do you have any stock?" I said, "Well, I have some stock in corporations I created for clients." "Oh, no, we mean real stock in the stock market." I said, "No, I don't have any of that." That was the only question they asked that I recall. No controversy, and the other guys have two questions, and we all passed.

Mrs. W.: How things have changed.

Hicke: Yes, how things have changed.

Mrs. W.: That was a senate hearing that's required. But prior to that, there was a lot of pussyfooting around among the three people that were interested in the nomination. So that's when Cap Weinberger made a call, and I don't know who else called. But there were people around--you go through a local committee hearing by the bar association. You have to be pronounced "qualified."

Williams: Was John Sutro on that?

Mrs. W.: Yes, Sutro was involved. He was very helpful at that point. The bar association recommendation was an absolute requirement for approval. Sutro was chairman of the local bar association committee that made the "qualified" assessment.

Hicke: They had to consider you qualified or well qualified?

Mrs. W.: Right. They considered him as qualified. They didn't say well qualified, because he hadn't appeared in federal court that much. He appeared in state court, but mostly he was an administrator, so he wasn't going to get the well-qualified label, but as long as he was qualified--[pause]

Hicke: That's what mattered.

Mrs. W.: But there was a lot of politicking going on, more than we really realized, because when they finally decided that Spence's name was going to be the one that would be put forth, Cullinan in the meantime had had a party, because he'd been told by some of his partisans that he was

going to be nominated. We heard that he was in total shock the next morning when he discovered that Spence was the one who got the nomination.

Hicke: All right, then what happened? You went to Washington for the hearing?

Williams: Do you recall who the senator was who headed the committee or any others?

Williams: There were about four of them up there, and they didn't ask any questions.

Mrs. W.: The other ones that were approved were from other states. There were three openings at the time that Spence was interested, and the first one went to Robert Schnacke. The second one was [Samuel] Conti. So we were down to the last opening when they finally nominated Spence. We went through a year of not knowing what was going on, and every time an appointment was made--first Schnacke and then Conti--it was a disappointment. And then, of course, when Murphy wasn't elected, we basically had to start all over again.

The FBI called me and asked a couple of questions. They interview everybody.

Hicke: Background.

Mrs. W.: Next-door neighbor, all--they went through every single one of the cases that he'd ever had and would talk to the attorneys on the opposing side.

So the FBI called me one day to ask me some question about a relative or something--he asked about Spence's oldest brother. And I said, "Well, I guess you must know quite a bit about Spence by now." He said, "I know a lot more than you do." [laughter] I never did find out what the "lot more" was. I would love to.

Hicke: So it was in 1971 that you actually got the appointment.

Williams: Yes.

Hicke: Tell me how the transition went.

Williams: I was sworn in in San Jose, and bought myself a robe--I guess I didn't have it by then. I went to San Francisco to meet the judges. And so I started commuting to San Francisco.

Mrs. W.: We were still in Sacramento. We didn't move until fall; he was sworn in in San Francisco in July. His mother came out from the East and was staying with us, so we were on vacation, so Spence hired a plane--we were at Lake Almanor--and flew down with his mother and stepfather to be sworn in July 29th.

Then later, in August, we had a formal swearing in celebration at the Board of Supervisors' chamber in San Jose. Oliver Carter, chief judge of the U.S. District Court of the Northern District of California, presided, and California Supreme Court Justice Marshall McComb administered the oath of office. We had all our friends there.

Then we bought a house in Menlo Park. In the meantime, after the appointment when he started working, he was living in a little apartment in San Francisco, and I was living in Sacramento, and the kids were in school in Menlo Park! [laughs] Then we finally moved into this house and all got together. Then he started commuting to San Francisco.

Williams: I'd come down from Sacramento and got an apartment about half a block from the courthouse. That was about three months' worth.

Hicke: It's a good thing you bought in Menlo Park, because then, when you were moved to San Jose, you were still halfway between there and San Francisco.

Mrs. W.: Which was our plan.

Williams: That was quite a while later. We didn't start going to San Jose for quite a while. As I said, they built a little temporary building not far from the county courthouse. Bob [Robert] Peckham had a court there, and I did. We had two courtrooms. And then they built that courthouse downtown ultimately.

The move to San Jose from San Francisco came about because of the efforts of Bob Peckham, who wanted to have more cases down there. He lived in Palo Alto, and he felt they should have a second federal court in San Jose, so that worked out. I welcomed having a federal court close to home.

Early Days as Judge

Hicke: Let's go to your first week on the bench. When you walked into the courthouse, what did you have to do?

Williams: I saw Bob Schnacke and went to chambers with him. He loaned me a robe and said, "Come on, we're going to select a jury." So I sat with him while he selected a jury. That was my first sitting on the bench. I learned a lot about that at the time. I think maybe two other times I went into court and sat with him to watch what happened. Then he said, "Okay, you're on your own. Do it."

Hicke: Did you go to any kind of training, like they have for judges now?

Mrs. W.: He went back to Washington, D.C., and they had about two weeks' indoctrination. That was about three or four months after he actually went on the bench. And so did Lee Nielsen and Malcolm Lucas.

Hicke: Then how did you get cases assigned to you?

Williams: Just out of the draw. San Francisco has a draw, but when I went to San Jose, we had our own draw down there. Certain cases would be assigned to the San Jose court. Bob Peckham and I

were two judges who sat in San Jose. A third judge, Robert Aguilar, came later, and after that, Ron Whyte and Jim Ware.

Mrs. W.: Jerry Levin had died. He had a brain cancer. He was a federal judge, and basically Spence took his place in San Francisco.

Williams: Levin, yes. I took his chambers in San Francisco. Some of his things were there too, but that was the vacancy I filled.

Mrs. W.: Actually, I think Spence even used his robe the first four months until he got his. Judge Levin's secretary, Trev Davis, had gone to law school. She was a lawyer. She worked for the state bar in disciplinary matters of lawyers, that was her last job. She was a tremendous help to Spence.

Williams: She was a gem, yes.

Hicke: Let me ask, since this becomes eventually relevant: what was the change in income?

Williams: Less. Every time--when I went from county government to state government, it was less, and I went from state government to federal government, it was less.

Hicke: That's terrible!

Williams: Not much less, but it was less.

Mrs. W.: His income was either \$40,000 or \$42,000.

Hicke: Going back to the appointment, how do you evaluate that process? Did it need the changes that have now taken place?

Williams: I think it's proved to be pretty successful overall, because sometimes, when it's contested, it's quite a battle, when they come up for confirmation. A lot is going on. There have been some pretty substantial ones over time. They know everything about the person, and people speak very frankly for or against them, so that's tough. Mine was noncontroversial.

Hicke: Is it good to have a prospective judge reveal what he thinks about various controversial issues, such as abortion?

Williams: I think they can ask him. Whether he answers or not, that's like a political question, but it's also a legal question. But I don't remember any typical questions in either area that bothered me. I imagine there's no prohibition against it. Maybe it's just tradition.

Hicke: Yes. I just wondered if it's a good thing to do, if it's helpful.

Williams: Well, I think that the people are entitled to know. A judge is supposed to decide individual cases on the merits and not prejudge a case because of the type of cases involved. But if a judge has been a plaintiffs' attorney, he'll be very aware of what's going on. In a trial he

won't necessarily lean in favor of the plaintiff or the defendant. He knows how both sides operate. I don't recall a particular discussion about political philosophy.

Mrs. W.: One of the things that's been really great as far as Spence is concerned is that he has never identified himself with any particular overall viewpoint. He would say, "Just ask me a specific question and I'll give you the answer." So he would never be "pinned down," because he didn't think that was right, or fair, that he should be asked on a "what-if" type of situation.

Williams: When I ran for public office, I had positions on different things, but they weren't so extreme that it came up at all in my questioning on my becoming a judge, because I was a government attorney, and mostly the private practice was very small--wills and trusts and that sort of thing. I didn't do any public cases. And the government work was pretty substantial. But it was just government work: acquiring property and that sort of thing, representing the Board of Supervisors, going to Washington, going to Sacramento to deal with legislative matters. So it's not too controversial.

Hicke: You mentioned Bob Schnacke helping you. Did you have a lot of contact with the other district judges?

Williams: Yes. We would have lunch together every day at the courthouse. I got to know them all. Bob Schnacke and his wife, June, were from San Mateo County, and so we felt like neighbors, and, as I say, he loaned me his robe that first day. We didn't know him too well ahead of time, but we got to know them very well as time went on. Nice people.

Mrs. W.: His wife belonged to the D.A.'s Association when she was D.A. of Santa Cruz County. We had a lot in common.

Hicke: Any other judges that you recall from that time?

Williams: Sam Conti. He is an outspoken kind of guy. Nice guy, but he would say what he thought.

Mrs. W.: He was one of our best friends, as far as the judges are concerned. He is to this day.

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Mrs. W.: I think we already talked about Al Zirpoli. He called Spence in after he was appointed, before he was sworn in. He sat in his chair, and I'll never forget it, because he said, "You know, you are your own boss. Don't ever forget that. You can do whatever you want to do." [laughter]

And then he said, "Let your law clerks do your research for you. That's what they're there for. And then you can make the decisions." Remember, dear?

Williams: That's why I do it that way, I guess. [laughs] Trev Davis was the law clerk I inherited, and she was terrific. I also appointed the son of a good friend of ours from Sacramento to be my other law clerk, Wayne Canterbury. He was with me for two years.

William Inglis Case

Hicke: Tell me about the case involving William Inglis & Sons Baking Company. That was about predatory pricing. And I believe that that was the first time anybody had used a graph in an opinion.

Williams: I went to a school for judges about economics. They used graphs to show profit margins and that sort of thing. My background in history and philosophy had been lacking in economics, so I picked up on that. It was a good way of demonstrating the specifics of the case.

Hicke: Did you assemble the data and make the graph yourself?

Williams: Yes. It wasn't that detailed. It just showed the marginal prices. I think it was a footnote, wasn't it?

Mrs. W.: Yes. It had to do with profits.

Judicial Techniques

Hicke: Let's discuss some general ideas about judicial techniques. What kind of preparation do you have to do for a trial?

Williams: Before I actually go to trial, I've usually had some motions involved--summary judgment motions, motions to dismiss, maybe some arguments on discovery--so I get to know the case generally before I go to trial. And when we go to trial, there are other motions I have ruled on.

Thereafter the case commences with opening statements in which each party describes its side of the controversy. Then the parties present their evidence through witnesses and admissible documents; after all the evidence is in, we have the argument--the plaintiffs first, the defendants next, and the plaintiff again, if permitted by the judge, to rebut new matters raised by the defendants. Thereafter, the judge instructs the jury on the applicable law, and submits the case to the jury for its decision.

So during the trial you have to be careful that nobody is overstepping the bounds. Very often you try a whole case without many objections, because both lawyers do not want to be interrupted by rulings on objections if they can avoid it by being a little more careful.

Hicke: What do you do about unruly lawyers?

Williams: If they start getting out of hand, you excuse the jury and say, "Look, now, let's do this properly. That's an inappropriate way to do things." "Okay." But if they do it a second time, you chew them out right in front of the jury even. Sanction them, sometimes.

Hicke: What would the sanctions be?

Williams: You can impose a penalty on them. You say, "That's improper, counselor. You'd better behave yourself or else you will be sanctioned."

Hicke: Financial penalties?

Williams: Yes, you can impose a financial penalty. But most counsel are very well trained and do it properly and you don't have to worry about it. But when they get out of hand, you've got to step on them or they'll run all over you. I haven't had much trouble with that. But we're prepared to do it if we need to.

Mrs. W.: I'd like to add a bit. When the cases first start, Spence will sit down with the law clerks and discuss what the issues are, so that they have the issues in mind when they go to do their research, and then they come back during their research and get direction from him as to whether they're going in the right direction. Would you say that's correct, dear?

Williams: Well, generally. But normally the issues are pretty obvious, at least the important issues are, and we discuss the cases [case law] that the parties rely on. The law clerks do their own research on the legal issues involved, how these legal issues apply to the factual allegations in the complaint, which essentially show where they are going and how they plan to get there.

Plaintiff's counsel briefs will argue how these legal issues apply to the factual allegations in the complaints. Defense counsel will generally disagree on both the facts and the applicability of the law cited by the other side. Many of these issues can be resolved by pretrial motion of dismissal or summary judgment.

If the case survives the pretrial motions, it will go to trial, either before the judge or to a jury.

Hicke: When you first went on the bench and you had, for instance, an antitrust case, did you have to know the law backwards and forward, and most people don't, so you'd have to bone up on that?

Williams: Well, you had it in law school, so there's a background in that, and then you go read the law review articles and the most recent cases, and then the aspects of antitrust issues that you're dealing with. So you bone up on the issues. The plaintiff has to demonstrate there is an antitrust violation. We've had quite a few antitrust cases. It is easy to allege an antitrust violation, but much more difficult to produce the facts to prove it. They may say they're doing this thing, but there are no facts to support it.

Mrs. W.: Why don't you tell them about multi-district litigation? Where you have cases that have been assigned from other districts because there's the same issues.

Williams: Well, you have a key on the subject matter, and you try that case, and the results of that case will have some effect on other cases, if you have a similar problem, but you just try one case. It may have an effect on other districts.

Mrs. W.: There may be a case from California, his, and then somebody in Pennsylvania sues and the issues are the same; so they assign him the case and one judge tries them all together. But then

the interesting thing is that they do have conferences. When you have a multi-district case, then they have conferences to talk over the problems that come up with multi-district litigation.

Hicke: Isn't that what happened in the case of the FJA [Federal Judges Association] suit? I believe the suits were filed in several different districts.

Mrs. W.: Yes. [This case is discussed below.] If judges have a multi-district litigation case, they have special meetings, or meet with other judges who have similar cases, and then they get some extra education and trade philosophies and that sort of thing. He was in on that for about probably ten years, with several cases. I think he went into meetings on the Gap case and the bread case, but not the asbestos case.

Hicke: I believe you wrote an article called "Even Defendants Have Class," a Law Review article.

Williams: Yes. In the Gap Stores case, I certified defendant class, and that may have been the first time that ever happened. At least it was unusual. Usually it's the plaintiffs that have class.

Lawyers and Other Colleagues

Hicke: Now let me ask: which lawyers do you recall that have tried cases before you, like Alioto? Do any of them come to mind who are dramatic or--

Williams: I tend to forget them as soon as I leave the courthouse. The Alioto firm was very litigious, and they had some very big cases, as did Lerach from San Diego.

Hicke: I know Bob Raven talked about cases that he had before you. What was his style?

Williams: He was good, very good.

Hicke: Calm? Flamboyant?

Williams: Tough, but not unpleasant. Really a good man, good lawyer. I haven't thought of him for a long time.

Mrs. W.: One of the great supporters all the way through was Jack Sutro.

Williams: Some of my law school classmates from the same vintage were Wes Overson and Pete Zavlaris. They were both at Hastings where I spent my first year of law school. I went to Boalt for my second and third years, but we all three ended up in San Jose. They were the same vintage, so we had an acquaintanceship. We didn't do much together legally, but we were good friends, and they did very well in their practice down there. Duncan O'Neal was a big, topflight lawyer from San Jose. Rankin, O'Neal, Luckhardt, Center & Hall.

Mrs. W.: He was also a top supporter of Spence all the way along.

Williams: Have we mentioned Nap Menard? He was the district attorney. He was in the courthouse when I was the county counsel, and we got to know each other pretty well, and he was a fine, outspoken person. He'd say what he felt. He was D.A. for quite a while, and a great one. And then Lou Bergna became D.A. He had been deputy D.A., and then when Nap retired, Lou became D.A.; also a fine guy and a fine lawyer.

Mrs. W.: Lou was the counterpart. When Spence was county counsel, Lou was county district attorney. So they were on the same level. They were the tops in each of their offices. So they worked together, too, on occasion.

Williams: Yes. Then there was John Marlais and Wade Hover. John served with me in navy JAG at the Pentagon during the Korean War and later came to San Jose and joined the office. Wade Hover was new and a very bright young lawyer who joined the office at about the same time. They later left and formed their own partnership in San Jose.

Nestor Barrett was chief of staff for the Planning Commission, and I was serving as counsel for the Planning Commission. He was a good friend and great planner and a nice guy.

We mentioned Adams and Beresford both. I associated with them early on. After a year and a half, I decided to go to the county counsel's office to get better compensation. It's hard to raise a family on what you can earn as a new attorney in a new town. We were living in Los Gatos, and we had a little secondhand Ford car. We'd drop Carol off at the nursery--she was a year and a half--and I'd drop Kay off at San Jose State, where she was librarian, and I'd go to work, for almost nothing. I'd pick them up in the afternoon. That's when I decided that private practice would have to give way to working for the county for a while. That was a good change.

Mrs. W.: Our social lives were very limited in the San Jose area, and we didn't know that many lawyers. But I think you might want to go back again to some of the lawyers who practiced before you in San Francisco, before you moved down to San Jose.

Hicke: Did you know George T. Davis?

Williams: Yes.

Hicke: You had some criminal cases to start with, didn't you?

Williams: Yes, for a while, but not very long. After I became a senior judge, I got so upset with the sentencing requirements I wouldn't take any more criminal cases.

Hicke: About when was it that you decided not to take any? Mid-eighties?

Williams: I think it was in the late eighties. I said I wouldn't try any more criminal cases. The sentencing requirements are so unbelievable, I said I couldn't in good conscience try any of those cases.

Hicke: Have other judges done that?

Williams: Not that I know of. I publicized it, though.

Hicke: I know. It's in your newsletter.

Williams: I just didn't believe in it.

Draft Dodging Cases

Mrs. W.: Honey, have you talked yet about the draft dodging cases that you had in your very early years?

Williams: No, I haven't. That was important. I haven't looked them up, but I can talk about the general concept. We had a lot of kids who were conscientious objectors, and they came in charged with crimes. I didn't feel it appropriate to send them to prison, so we sent them to other kinds of duties, gave them some other thing to do. I didn't think they warranted going to prison for that. It was a crime in some sense of the word, but they had conscientious objections to going to battle. So we would put them on probation and give them some duties to do, but we didn't send them to prison.

Mrs. W.: One of the things I recall you said in court, when the kids came in, you would remind them that if they didn't go to Vietnam, some other person would have to go in their place.

Williams: I told them that being in the military doesn't mean you're necessarily going into battle, and there are a lot of benefits by just being in the military and so forth. But I didn't see that going to prison was the answer.

Hicke: Did that have something to do with why so many of them came to be tried in San Francisco?

Williams: [laughs] I don't know--maybe so. I just felt that since I had been in two wars, I thought it was a great experience. I was at risk, but there's risk in anything you do in a lifetime. I'd tell them that, but they were pretty persistent about it, so I didn't feel it was appropriate to send them to prison.

Hicke: What were the other judges in San Francisco doing about this?

Williams: I don't think any other judges took that position that I did. I don't recall it if they did.

Hicke: They'd send them off to prison?

Williams: Yes.

Hicke: Did you get any adverse publicity from this?

Williams: I don't think so.

Hicke: Did you get involved in any of the protests?

Williams: I could look out the courthouse window from the twelfth floor and I could see them down in front of the courthouse, but I would go out the garage door. I didn't get involved one way or the other.

Mrs. W.: Fortunately, there was a basement where the judges came in. you could drive your car in and then go right up in a private elevator, so he didn't have to be involved with all those protestors that were out there on many occasions.

Williams: I gave the kids in my court a pep talk about te benefits of military service, the other side of it, you know. It's a good experience. You learn a lot. There are benefits and negatives, but anyhow, I didn't want to send them to prison.

Characteristics of a Good Trial Lawyer

Hicke: Let me ask you: what are the characteristics of a good trial lawyer?

Williams: They have to know the facts, they have to know the law, and not be too contentious. They should be prepared--know the cases, know the facts, know the witnesses, done their homework, taken the necessary depositions. Fully aware of the facts that they have, and what they can get from the other side they get mostly by discovery, so they can know both sides of the case fairly well, and they can emphasize the strong points and try to avoid the weak pints. That's just obvious. But not overdo it, not get too vociferous. They can get to a point where they can be annoying to the court and the jury if they get too pushy, so they have to weigh those factors. There are a lot of good lawyers, a lot of excellent lawyers out there.

Hicke: What about lawyers appointed by the court? Are they good trial lawyers?

Williams: In the old days we did that occasionally--appoint a lawyers to defend somebody, and I was never disappointed in how hard they worked.

Hicke: What about the Public Defenders Office?

Williams: I can't judge the performance by the outcome, because often the facts are so overwhelming they can't possibly win the case. But I never was disappointed in how well they tried and how hard they tried and what they did. They were conscientious about everything. Their clients were like their own clients. They really worked. But it's been a long time since we've had that problem.

Hicke: What do they do for indigent defendants now?

Williams: They do have groups of lawyers who help the indigent.

Hicke: Like the Legal Aid Society?

Williams: Yes, Legal Aid, and they do good work.

Mrs. W.: You might want to talk about the guys who try to defend themselves.

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Williams: They made a bad choice, a bad choice. They don't know the law. They don't know the rules of the court. They can embarrass themselves. It's better that they have a lawyer. I always tell them that.

Hicke: You try to convince them to get a professional lawyer?

Williams: Oh, yes, sure. I don't have many people who try to do it by themselves.

Mrs. W.: How about your friend down in the Monterey language school--Mr. Ali something or other. This is a funny story. This guy was particularly contentious, and the law clerks who came and sat in could not believe how patient Spence was with this guy. He had been in court several times and had been close to obnoxious, but Spence kept him in hand pretty well.

He was getting out of hand a little bit on this particular day, so Spence asked him his age. Well, it turns out he was, like, sixty-eight or so, and he wanted to go back to work. He had been fired by the language school. So Spence asked him how old he was, and he asked him whether or not he wanted to get the job back, and so forth.

Spence decided to cool the thing down a bit, so he said, "When were you born?" he answered it was in February. Well, Spence was born in February too. Would you tell the rest of the story, please?

Williams: I said, "Born in February?" do you know that you and I and Ronald Reagan were all born in February?" he looked a little puzzled.

Mrs. W.: Oh, yes, and Spence said, "Are you a Pisces?" And he said--

Williams: "No, I'm a Slavonian of Turkish descent." [laughter] Boy, he was funny. "You and I and Reagan are all Pisces."

Hicke: I'm happy to announce that I'm Pisces, too. I'm in good company!

What happens when people start laughing in court? Is that out of order?

Williams: No.

Hicke: You don't mind that so much?

Williams: Not unless it gets uproarious, no.

Rule Changes

Hicke: Let's talk about the changes over the years in the rules. You've talked about the advent of mandatory sentencing. What other changes have made a big difference?

Williams: I looked at that topic on your outline, and I just don't know of anything that we haven't been able to get along with. Sometimes we have to try to get them changed a little bit, but I think they're all working in the right direction to improve the process, to make it easier to understand and easier to work with. I can't think of any new rules or regulations or requirements that are detrimental to the system.

Hicke: So discovery is good?

Williams: Discovery is good. The only time it gets to be a problem is when litigants don't cooperate in discovery, and that one is easy to solve. If they won't reveal documents, you say, "Come on, get them up. If you have any reason not to, come to court and ask us about it and see if they're protected, but just don't hide them." There haven't been many of those problems that I can think of.

Mrs. W.: I seem to recall that you have made limitations in the courtroom as to the number of hours of discovery, so that there isn't extensive expense in discovery, or some kind of limitation at times.

Williams: If one side thinks the other side is too overzealous, they can complain about it, and we can talk about what the problem is. But I don't know of any flat rule about it.

Caseloads

Hicke: What about overloaded dockets? Did you have that problem in San Jose?

Williams: The cases are drawn out of a hat. They have classifications of cases, criminal and civil and so forth. Every judge gets a certain number of cases out of the draw. If the judge isn't disposing of the case rapidly enough, he may build up quite a caseload. If, for some reason, he has a backlog, it looks bad, but it's the judge's responsibility. I know of no case where they have redistributed them unless the judge retires or has a lengthy illness, and then they take his cases and just transfer them to other judges, but I can't recall a situation where a judge getting a backlog has had them taken away from him.

The clerk's office distributes a monthly report which indicates the number of cases each judge has received, retains, and has disposed of during the previous month, so that every judge knows what his caseload is and how many he's completed, as well as what his fellow judges have completed.

Hicke: Obviously judges just work at different speeds. That's just taken into consideration?

Williams: Well, a judge who has an exceptionally large backlog of cases may go out of the draw for a while. If he's ill he can, but I think the judges would agree to let him out of the draw until he got his cases back in perspective. But every judge has a duty to do it, and if you get a lazy judge who is not doing his job, they can't just let him off the hook. But I haven't seen it to be a major problem that our court has had to address in my 29 years on the court.

Mrs. W.: In early years they were pretty heavily loaded down, till they got some extra judges. I mean, they all had between four and six hundred cases, but now--

Williams: Well, sometimes, but also lots of times it was hard to get the parties to get going on a case, and so you could call them in and say, "You ought to get going on this." They may have reasons why they can't, but I haven't seen it as a big problem when a judge has a big buildup of cases. I can send you a copy of the most recent one that has the judges' caseloads on it.

Why does one judge have more cases? He may have one case that has five names--actually the same case but different names, so it looks like he had six cases. Actually, if he tried one, he would probably rule on all of them. The numbers don't necessarily reflect the caseload.

Hicke: Yes. So you don't really try to compare your caseload with that of other judges?

Williams: No. Also, they watch it back in Washington. If a judge has a bunch of cases building up, they'll call and ask about it.

Hicke: Aren't there a lot of vacant seats? I suppose that changes over time.

Williams: Yes, but once a seat is vacant, if the judge goes senior, then it's a vacancy so they can fill his spot. We allow a senior judge to keep working, carrying his caseload. And so that helps. When a judge retires or dies, then they distribute the cases again. But it's fluctuating. I think the system works pretty well without having any draconian orders on it.

Mrs. W.: This is a humorous story. When Spence went senior, he was replaced by Vaughn Walker, a single lawyer from San Francisco. What happened was that some of Spence's cases were given to Vaughn Walker, because when you become a senior, you take a lighter caseload. So the day that Vaughn came onto the bench, Spence went down and got a bag of dog food--

Williams: Biscuits.

Mrs. W.: --and left them on his desk with a little note to the effect that--

Williams: "These are for the dogs I gave you." [laughter] I could hand-pick the ones I wanted to get rid of.

Innovative Ideas

Mrs. W.: Some cases--just by way of interest--can last forever. When he had this ARCO case, it had been assigned to one judge and then transferred to another judge, and Spence got the case on the third go-around. Right?

Williams: Yes. It was filed about 1983. ARCO had been charging its dealers more than permitted under the price control limits. The wholesale dealers were selling to the retail dealers and were charging them too much. So the dealers had a class action against ARCO--the ARCO case. It went all the way through to a trial and ended with a substantial verdict for the dealers. What happened was that there was a substantial amount of money left over after the dealers, attorneys' fees, accumulated interest, and everything else was paid off.

Under the rules, I am permitted to distribute the \$775,000 surplus for some worthwhile purpose. So I set up a foundation with the money to have it spent on helping inform the public, through the schools basically, of the importance of having an independent judiciary.

When our founding fathers created our Constitutional form of government, they visualized three separate, independent branches of government, in which no one branch--executive, legislative, or judicial--would dominate the others. They recognized that the third branch--courts--was the least able to protect itself. It must do so through public support, and recognition of this could only be maintained if the public was aware of the importance of a judiciary that was not dominated by either or both of the other branches.

These funds are to be used to keep the public aware of the importance of this.

Frivolous Cases

Hicke: Do you get many frivolous case filings?

Williams: Sure. In the most recent one I had that was frivolous, I issued an order for the defendant in the case to indicate to me what fees and costs this case had imposed upon him so I could require the plaintiff to pay them. I could sanction the plaintiff--it was not only our court costs but the costs of the other party. So what you do is you issue an order in that amount against the frivolous litigant.

Sometimes a pro per comes in and wants to act as his own lawyer. He says, "I have a case and nobody will represent me and I will do this, that, and the other thing," and gets it all wrong. Won't take the advice of the court and wants to go forward. I say the case is dismissed. Once the case is dismissed, you're out of court, and then I say to the defendant, "Give me a list of the costs and I can issue an order."

Mrs. W.: Tell her about the one back in Brooklyn, where you sanctioned the lawyer and then gave the money to the law school. Then he appealed it.

Hicke: Let's start at the beginning. You were sitting on another court?

Williams: I was trying a case in Brooklyn. Go ahead.

Mrs. W.: I don't remember too many of the details of it. I think it was a sanction, because Spence had told him that he had to keep his limitations on the type of--whatever it was that he was claiming, and Spence was saying, "You already said that. Don't say it again." So when the man said it again, he sanctioned him. I guess it was a pretty big problem, because he again went through this thing and kept doing it to Spence, and finally Spence said, "Okay, you're sanctioned \$50,000," whatever it was. And so at the end of the case he had decided on the sanction, and Spence decided to give the money to the local law school. The guy appealed it, and I guess they reduced it. I think there was some press about it.

Hicke: Do you think this is becoming a more litigious society, and if so, is this good or bad?

Williams: I'm not in a position to judge. My caseload is not much more or less than it was, except that I'm drawing fewer cases as a senior judge. You see a lot of pro pers--people representing themselves--but there always have been pro pers, as long as I've been a judge. I won't say there are more of them. They're well meaning, but they just try to be a lawyer and they just can't do it. I ask them "Would you perform appendectomy on yourself? No, you get professional help when you have a problem."

"Well, they won't handle my case."

"That may say something about the merits of your case."

So there's not too much frivolous litigation, as far as I'm concerned. A lot of lawyers. Most of them do good work and are responsible. Maybe it's something about federal court that deters frivolous cases. Maybe the lawyers are more concerned about federal court, if they don't have a meritorious case, than if it were a state court. That's a question unanswered. But I haven't seen much frivolous action, except some pro per cases.

Hicke: Do you find a great difference between the countries whose rule of law is based on the Napoleonic code as opposed to the English common law?

Williams: Oh, yes, a great difference. The common law--we call it the civil law--they don't have the freedom. They can appeal to a political court and have a case reversed based on politics.

Hicke: Under the Napoleonic code, the process is more political?

Williams: Yes, they can raise political issues which are beyond us, thank goodness. It's been quite a while, but when I've visited countries in the past, they say, "We wish we had the independence that you have to decide a case on the law and not get involved in the other stuff." So we can be thankful that we have it.

If I mumble, you can insert whatever words you like there!

Hicke: Oh, good. Editorial privilege.

Williams: You bet! I trust you.

V CASES IN FEDERAL DISTRICT COURT

[Interview 5: December 20, 2000] ##

Vietnamese Children

Hicke: This morning we're going to talk about some of the more important cases that you had in the Federal District Court. You have some information about some of the important ones, the ones that apparently have had some impact. Do you want to start with those?

Williams: Let me talk about one that I find most interesting. It involved the children from Vietnam. The army picked them up because they were separated from their parents, and they were trying to escape the northern Chinese that were after them. They were rushing south during the time of the battle in South Vietnam. Some of the people in the southern part of this area had put their children in the orphanages with the hope that they would be transferred to the United States, thus getting the benefits of being United States citizens. When the North Vietnamese were coming down, the United States took these kids from the orphanages and brought them to the United States.

So they were here, and they brought them to the hospital in San Francisco. There were all sorts of problems when the kids were in the hospital. They weren't sick, but there was no place else to put them and watch them and take care of them. There were efforts to try to locate their parents, and there was a lawsuit brought, and I got the case.

Hicke: Who brought the suit?

Williams: [pauses] Probably the government did, trying to get a decision determining how they were going to do it, because it would be a legal question.

Hicke: The suit was to try to find the parents?

Williams: To try to find the parents and work out disposition of the children. There were a lot of nonlegal issues to be dealt with. We contacted the United Nations in Europe--

Hicke: UNICEF?

Williams: Yes. And we also tried to identify the children.

[tape interruption]

Williams: We were talking about the children. Anyhow, there were several brought here to San Jose, and there were many more in the hospital up in San Francisco. We were trying to find out how we could locate their parents. All the efforts were made to do that. It was very difficult. In the hospital in San Francisco, the kids changed their names. I mean, they switched names on each other, for some reason, probably to confound us.

Mrs. W.: Possibly because they wanted to stay.

Williams: Maybe. But anyhow, they were playing a little game. We contacted the United Nations and tried to work it out. Many went back to the East Coast, and we made arrangements where they could keep in touch with each other after they were adopted and placed with American families, so they could maintain their relationships with friends from Vietnam.

Hicke: You had some kinds of central database with all their names and addresses?

Williams: We didn't, but it was set up so they could do that. Some of them kept in contact and apparently were later married and stayed in the United States as citizens, but it was quite a trauma when they came in here. They were little kids, and they were not cooperative.

Hicke: They came in the courtroom?

Williams: No, no, they came into the country. They were represented in court, and they had problems dealing with them in the hospital in San Francisco. It was more of a social than a legal issue, trying to get them identified and located and arranging it so that they could maintain their contact with their friends. I've lost contact a long time ago with that, but at the time I last heard about it, some had met and married and some were adopted, but all of the were still in the United States.

Not the type of lawsuit that you usually get. Very different. I remember contacting the United Nations, trying to get help from them. Some of the parents, of course, didn't survive, and some of them did over in China, but those who came over here are probably doing pretty well.

Hicke: Does this case have a name? We can look that up. [NGUYEN DA YEN et al., Plaintiffs, v. Henry KISSINGER et al., Defendants; No. D-75-0839-SW; March 12, 1976]

Williams: It's 528 Fed 2d. 1194. This was actually brought on behalf of three Vietnamese children. That was the case. They were represented by counsel, but it was on their behalf.

Hicke: That must have been satisfying.

Williams: Yes, oh yes. The lawyers come into court and talk about the problems and how we could solve them. It was not a legal solution; it was a practical solution.

Asbestos and Other Cases in Hawaii

Hicke: Do you want to pick out which of these cases you want to talk about? [refers to list of cases]

Mrs. W.: How about the asbestos case? [In re: HAWAII FEDERAL ASBESTOS CASES; This document applies to: Trial Groups II and IV; Civ. No. 85-0566; January 31, 1990, as amended April 3, 1990] That was a huge thing.

Williams: There were all sorts of asbestos problems. People were being damaged by being exposed to asbestos, so we had this case in Hawaii that is talked about here.

Hicke: Was this part of the whole asbestos complex litigation?

Williams: By and large. I don't know if we had it all or not.

Mrs. W.: They had a total of 2,000 cases in Hawaii.

Williams: It's interesting, because you find asbestos in everything. You find the kitchen floor made with asbestos in it, and asbestos walls and asbestos cloth, you know--a huge exposure of asbestos, putting at risk a tremendous class of people who were suing for damages. So we had to get it down to size. It is discussed in this paper.

Hicke: What's the name of the case?

Williams: It's called In re: HAWAII FEDERAL ASBESTOS CASES, and the citation is given here.

Hicke: So obviously you had to go to Hawaii.

Williams: I was sitting in Hawaii, so I was assigned the case over there. We had a lot of litigation on the subject. Motions on how to limit the exposure and how much they could be held responsible for and that sort of thing. It's summarized here pretty well.

Hicke: Did you have to go into the scientific aspect of how much asbestos had to be removed or where the line was when the asbestos was dangerous?

Williams: They had experts on all that.

Mrs. W.: He was involved with people who were damaged by the asbestos. A good part of them had worked during the war in the Pearl Harbor area, and at that point they didn't realize how damaging asbestos was. So what they did is they would actually take handfuls of asbestos and use it to insulate pipes, and so many of these people, of course, wound up with problems later on. He was dealing with those problems.

One of the judges, Judge Bob Belloni from Oregon, had the cases originally, and he was out in Hawaii sitting on the bench, and he decided he couldn't do them all. So he called Spence and said, "Why don't you come out and help me?" Then Spence called Sam Conti and

said, "You come out and help me." So the three of them were dealing with the 2,000 asbestos cases. Could you tell them about how you tried six at a time?

Hicke: How did you combine them--alphabetically?

Williams: Probably the same substance. If it involved kitchen floors, for example. Most of the cases had already settled once they got a few verdicts. We didn't have to deal with them for more than a couple of years.

Hicke: Were there major corporations being sued?

Mrs. W.: Johns-Mansville was one of them. There were others.

Williams: My holding was "for negligent infliction of emotional distress based on fear of cancer." Some people wanted to sue because they were afraid of asbestos, but they were required to show actual harm.

Hicke: You mean they hadn't actually been damaged, but they were afraid that they would be?

Williams: I tossed out those that sued solely on that basis.

Mrs. W.: Spence did a very innovative thing on those that went to trial. He tried six at a time and provided each juror with a picture of each of the plaintiffs, so that the jurors could accurately assess the injury of each of them. He had room for the jurors to make their comments as each one presented their case. The disease that you get is called mesothelioma.

So what Spence did--because the people who were sued were the same ones for all the cases, and there were basically two law firms that represented these people.

Hicke: The plaintiffs, yes.

Mrs. W.: Yes. There was one very reliable law firm that only took cases that were really meritorious, and the other law firms picked up a lot of others that were very marginal, but they all had their day in court. But what Spence did was if they had not actual functional impairment, he put them on the side. In other words, he left the case open in case they came back later and had actual physical problems. Then he took care of the ones who actually already had damage.

One of the famous cases was the guy--Spence said to him, "Do you smoke?" and he said, "Oh, not anymore." Spence said, "Well, how long ago did you quit smoking?" "Oh, last week." [laughter]

One guy, whose deposition they had taken, actually died before the case was over. But it was fantastic, because they were able to take care of these 2,000 cases in maybe a year by doubling up on them. Every time the same expert witnesses had to come and testify to the same information, so at least it made it easier for the defendants as well as the judges; otherwise, it would have taken forever.

Hicke: They would have to keep coming back.

Williams: Yes.

Hicke: And most of them didn't get damages?

Williams: Not necessarily. They settled a bunch at a time. Because some were suing for fear of getting injured and other had injuries, we had them separated on that basis too. But everyone was happy to get out of it, particularly me. [laughs] I don't mind the state of Hawaii, but that case was a long one.

In another case, there was some mining done in the Hawaiian Islands.

Mrs. W.: That one was about the raising of marijuana in the volcano tubes. That was another interesting case he had.

Williams: That was a case on the Big Island where they had huge lava tubes underground. They went down there with electric grow lights. They were growing marijuana underground.

Williams: It was like sunlight in a volcano tube.

Hicke: How were they found out?

Williams: Somebody squealed on them.

Mrs. W.: A guy over there. He was a renegade on all sorts of matters environmentally. His name was Albertini, and he tried to stop an atomic frigate from coming into the bay because it had nuclear power on board. So he dove into the water, trying to keep the ship from anchoring.

Williams: He was prosecuted for trying to interfere with the landing of a naval vessel.

Hicke: Did you have that one?

Williams: Yes.

Mrs. W.: The interesting thing was the environmentalists were all for him, and everybody else was against him, so the papers were full of letters to the editor, of which we got copies. It was quite a story for quite a long time while we were there.

Williams: It wasn't a difficult legal question.

Hicke: He got his just desserts?

Williams: Sure. It wasn't very severe, but you can't go and jump in front of vessels that are landing. They prosecuted him.

Hicke: So at least it was easy to decide.

Williams: Yes, right, it was.

Mrs. W.: How about finishing up Hawaii? There's one more case in Hawaii--oh, it was the redistricting.

Williams: The state of Hawaii had to be redistricted on a population basis, so that each of the separate districts in the state, like counties, had equal populations. It was difficult.

There were three of us--Sam King and another judge and myself. Sam King was the chief judge over there, and I forget who the third judge was. In any event, the problem was that most of the population is on Oahu, and so if you put all the other islands in one district, it still wouldn't be enough to match Oahu.

So each of the other islands had to include a part of Oahu to meet the population requirement. So there's the district of Oahu-Maui, and Oahu-Kauai, and Oahu-Hawaii, and so forth. It made no sense except it complied with the requirements of equal population.

Mrs. W.: One man, one vote was really the basis.

Williams: So the newspapers reported them as the "canoe districts," because in order to get around your district, you had to have a canoe. They had four canoe districts, the fifth district being what was left of Oahu. I don't know how it's working now, but it was the only solution we had.

Mrs. W.: Part of it was that Hawaii was mostly Democrats. There was a hope that they would create at least one Republican district out of the thing. When they got all through, though, they were still all Democrat districts.

Williams: I haven't checked to see how it's working. Next time we go, we'll have to ask Sam King.

Mrs. W.: Sam King was the innovator of this idea for redistricting.

Williams: We had hearings, and I forget who divided the districts, actually figured out the populations.

Mrs. W.: One of the things they did was they appointed a commission to make recommendations, and this is where the racial thing came in. They tried to get somebody who was a teacher and somebody who was a lawyer, a dentist, and so on.

Hicke: On the commission?

Mrs. W.: On the commission, yes. But at the same time they had to get a Japanese, a Chinese, a Hawaiian, whatever else.

Hicke: And half Democrats and half Republicans?

Mrs. W.: They were trying to find people that would qualify for two of these--say, a teacher who was a Democrat and a lawyer who was a Republican, so they could get enough variety so people would accept the commission as a fair way of redistricting, because these people were all so famous in their own field.

Williams: Everybody's part-something in Hawaii.

Hicke: True diversity. Now, anything else in Hawaii?

Mrs. W.: He had a lot of different cases. He also served in Guam for a month while the Guamanian judge came to the Ninth Circuit conference. Every year they send a different judge from the Ninth Circuit to Guam for three weeks.

Williams: Trying to select a jury in Guam is difficult, because they are all related to each other. Every member of the jury has some relationship with the parties. They're cousins, second cousins, married to, or--it's hard to get a jury that didn't have some blood relationship or other relationships with one of the litigants.

Hicke: Did you just have to give up?

Williams: No, no, we got juries and they were fair, but you had to accept the jurors as they were and hope they did the job without bias or prejudice so that we had no problems with the cases themselves. That was interesting. "Oh, yes, I know him. He's my cousin," or "He's my second cousin." Sometimes they were related to both parties.

Hicke: In which case it was all right! [laughter]

Williams: There was no problem there!

Mrs. W.: Most of his time there was spent on the appeals work. Then also in Guam they had a lot of land cases, where because it was so new, when you went back a generation, the land was owned by the chief of the native tribe, so to speak. Am I saying this right, dear?

Williams: Yes. They weren't called tribes, though.

Mrs. W.: No, I know it's not tribes--councils, or whatever it was. So most of the law in those days was made by the chief of the particular group of people, so then they had to start getting it down on paper.

Hicke: Yes, nothing was written down.

Mrs. W.: Yes, about who owned what chunk of land, and so some of the cases he got involved in were about land disputes.

Hicke: Sounds like early California.

Williams: Yes. They tried to get it worked out among themselves as best they could. Some did and some didn't, but it was quite a problem, all right.

Hicke: You brought them in to negotiate?

Williams: We'd get together to try to solve the problem first. I don't think there were any unsolved problems ultimately.

Mrs. W.: Well, it went through the courts, when the local judge handled it, and then if there was an appeal, then Spence handled it while he was there, or whatever other visiting judge came.

Hicke: Another first for you probably.

Williams: We were trying to solve that problem, and that's how we did it, but it was a lot of fun. It was interesting how they tried to resolve it themselves. They were cooperative. There were a lot of friendships, not much animosity in the situation. They were all related. The chief had a lot of influence all along the way.

Hicke: [to Mrs. W.] Did you go along on this?

Mrs. W.: Yes, and two of our daughters. The fun thing was on Guam, when somebody gets married it's a really great event, and they invited everybody in town. The families average maybe six or seven per family, and a lot of them have as many as twelve children. And again, everybody is related. We were invited to this wedding, and we knew it was going to be a big one, and so we went to the church first, and there were only about two dozen people in the church. We thought: Oh, dear, this is going to be a very unsuccessful wedding. Nobody's at the wedding.

So we get to the reception, and there were 500 people there! [laughs] Because somebody always works for the government, the people get their food through the commissaries, and of course they get it very reasonably. So they start collecting the food ahead of time, and they have these big, long tables of food. They have one whole table for Guamese food, and they then have a whole table for American food.

When you leave, there's loads of food left, so they give you paper plates and they stack them like this [demonstrates], and everybody takes home some food so they don't have to cook for a couple of days.

Williams: I didn't put that in my opinion, did I? [laughter]

Mrs. W.: They were very hospitable, very hospitable people. but that's an aside.

Hicke: No, that's good. I like to get the social aspects of your travels.

Okay, next case.

More on the Bakeries Case

Mrs. W.: Tell them about the ITT case. I think we talked about it a bit last time. [William Inglis & Sons Baking Co. v. ITT Continental Baking Co. et al, 1978]

Hicke: I have a little information here, and it says the standard for predatory pricing was the subject, and apparently pricing below marginal costs was what they based their complaint on.

Williams: That's *prima facie* proof notwithstanding the verdict.

Hicke: My notes say that you granted the defendants' motion for JNOV.

Williams: Yes, the plaintiffs prevailed, and I set it aside.

Hicke: JNOV. Would you tell me again what it stands for?

Williams: It's a judgement notwithstanding the verdict of the jury.

Hicke: Is there anything particular about that case?

Williams: No, I just didn't think they had the evidence to support a verdict, so I reversed the jury on it.

Mrs. W.: The interesting thing here is way back, when Spence was first a judge, they started this program--

Williams: "Law and Economics."

Mrs. W.: Yes, "Law and Economics," informing judges as to economic principles so that they could be in a better position to deal with cases in the courthouse.

Williams: She was an econ major in college, and I was a history major. She wanted me to know more about economics, too. She runs the economics in the family, but she thought it might help me, and it was a very interesting course. We went to these courses in Florida. There were outstanding experts, they were great lecturers, and I got a lot of information about how to do graphs that show you the impact of economic--

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Williams: So that was the background of the economics issue, and recently it has come up. There's been criticism of judges accepting educational programs. It's pretty subtle. You never know who is actually footing the bill--but good times are had by all, and the lecturers--for instance in economics--are often outstanding leaders in the field.

Of course, for some litigants, at least, they would prefer that the judge was not knowledgeable as to the basic issues involved in the lawsuit.

These programs are generally held at very expensive places, the air travel is covered and so forth, so it was a nice vacation but also a very good education, hard work, and very helpful. But people who suffer if judges know more about economics oppose this, and so there's some question about whether judges should participate in such educational opportunities, even though the actual supporters of these functions are never revealed.

Mrs. W.: What happened that distinguishes Spence in this situation is that we learned all about statistics and graphs and so forth, and so, lo and behold, up comes this case, and marginal cost is something very basic if you learn any economics, so fortunately he had learned about marginal cost and what it was all about. Probably that's why he did the JNOV, because he was

more knowledgeable perhaps than the previous judges. But in any event, he put a graph into his opinion. Apparently this was the first time any judge had put a graph into a legal opinion!

Williams: I sent the opinion to the professor saying, "See, I learned from you."

Hicke: I think I can illustrate that, too, by reading a quote from your opinion, which says--you held that "if it is evident that profit maximization will occur at marginal or below-average variable cost, average variable cost cannot be used as *prima facie* proof of predatory pricing," and so on.

Williams: That's it. Would you say that again, please? [laughter]

Hicke: I can see how that could be very valuable, but I can also see that, you know, you have to be like Caesar's wife--no appearance of any--

Williams: That's right, but the judge has that information, either from the witness or some presumed knowledge, to apply to the facts of the case, to determine whether or not it's predatory pricing and therefore liability. So it's helpful to the law, and helpful to the people who are involved in a case like that, and it improves the application of the law, as far as I'm concerned.

Hicke: As you just said, if you didn't already know this, you could only glean this knowledge from the expert witnesses. And they certainly have cause to--

Williams: What you're learning in class is just from an educational point of view. The witnesses--you don't suspect them, but you have to say, Well, what does the other side's witness have to say? And maybe there is no other witness. No, I thought it was very beneficial.

Dalkon Shield

[In re: NORTHERN DISTRICT OF CALIFORNIA 'DALKON SHIELF' IUD PRODUCT LIABILITY LITIGATION; No. C-80-2213 SW; November 5, 1981]

Williams: In this case, the suit was against this Dalkon Shield. You can describe it as intrauterine devices. They asked for class certification consisting of all the people who had claims against it for punitive damages from the use of it. The plaintiffs were from many different parts of the country, a huge class. Of course, it would be easier--the same issue involved--to have one class decide the basic issues. So I certified the class on a conditional basis. You find it here: "The manufacturer's motion for class certification could be granted even though no plaintiff sought certification." It was in the interest of the court to have it all at once--to certify a class.

Hicke: To make it a class action?

Williams: Create a class, yes, "the class consisting of all people who had asserted claims for punitive damages and all plaintiffs in litigation relating thereto in California federal courts." There was a class-action rule that authorizes what has to be done. The claims against the manufacturer

were enormous. There were \$3 billion of claims, and they only had assets of \$280 million. No way if they won the class could they ever get reimbursed by the company, because there was much more of a claim than there were assets involved.

I have jurisdiction over the case even though some unnamed class members did not reside or have contact with our state; it was a nationwide problem. This accord "had subject-matter jurisdiction over class actions based on diversity jurisdiction." Even though some were in and some were out, we put them all in one class, which made sense. I had two trials because of the diversity of the litigants.

After I had decided there was a class, we could go forward with the matter and could continue and have the thing resolved.

Mrs. W.: One of the things that was important about this is that they wanted to be sure that there was just one punitive damage award, and so what he was trying to do was to get everybody to try the case as far as the actual damages were concerned, and then for the punitive damages portion, have it apportioned on the basis of their damages for the actual damage. Am I saying it right, dear?

Williams: That's fair enough.

Mrs. W.: Otherwise, they would have bankrupted it, and nobody would have gotten their fair share.

Williams: That's right. You have four times the demand; the assets wouldn't even touch it, so you reduce the punitives, first take care of the actual damages and then apportion the punitive if they won. Then at least you wouldn't have the situation where it would be impossible for the plaintiffs to prevail--get what they want, but no money to go around.

Hicke: What was it like trying these cases? Were there hundreds of counsel and--

Williams: We didn't have the trial there. This is all pretrial motions. Sometimes pretrial motions get the case into shape where both sides recognize there's no point in trying it. The chance of the plaintiffs prevailing in that case would be impossible. They couldn't win because they were claiming much more than was available. And the defendant said, Well, if we settle this on that basis, we can all get something. If we try the case, we'll use a lot of the assets up in a trial, and we may lose and not get anything, so it makes sense to try and settle the thing.

Hicke: So it was settled?

Williams: I think it was settled on an individual basis, yes.

Mrs. W.: But the part of it that was important was that those who came in early and sued early got their big chunks of money, and it was going fast.

Williams: There may have been some settlements, but what this did was reduce multiple claims down to a sensible size so that it was within the ability of the defendant to make an award to everybody. Otherwise, it would be one-tenth would get all the money and 90 percent would get nothing. That was the benefit of this ruling.

Hicke: Could the defendant have declared bankruptcy?

Williams: Yes.

Hicke: And then nobody would have gotten anything?

Williams: No, there would be a claim in the bankrupt estate, that's all, and they were just claims, not judgments. It shaved the amount down so that the plaintiffs would have a chance to get something and the defendants a chance to survive, at least long enough to pay off.

ARCO

Hicke: What's next?

Mrs. W.: ARCO. [VAN VRANKEN v. ATLANTIC RICHFIELD CO., 699 F.Supp 1420 (N.D. 1988)

Williams: This was a case by a plaintiff who sued ARCO for overcharging during the price controls.

Hicke: In the seventies?

Williams: Yes.

Mrs. W.: This was about the wholesale price.

Williams: The price they sold to distributors. They sued ARCO, and they got a substantial verdict. ARCO paid \$67 million plus \$9 million attorneys' fees.

Williams: We distributed the money to all the people who made claims, and when it was all distributed, they had money leftover--\$700,000. That was a lot of money.

The law says that when there's money leftover when a case is all set, the judge has discretion to distribute it as he thinks is appropriate. I set up a foundation, put the money in a foundation to be spent on informing the public about the importance of the independence of the judiciary. That money is now drawing interest.

We haven't spent much of it yet, but we're trying to find a program we can fund for providing information to the public so they realize the importance of having a judiciary that's independent of outside influences, so they can be fair and impartial when they handle cases.

Mrs. W.: You gave \$75,000 to Boalt Hall, and the \$700,000 that was leftover is in the foundation fund right now, still waiting for a decision of the board members for distribution.

Williams: We have a committee of judges, three or four of us. Judge Fern Smith--do you know Fern Smith? She's head of the Federal Judicial Center. She funds programs for judges, helps set the money up for special training programs through the Administrative Office [AO] of the

federal courts. She was a judge in our court. They set up special training programs for judges--new judges and old judges--and I've been talking to her about our providing some of the money for a program that she can sponsor and develop that would be for information to the public generally, probably to the schools, to inform the public of the importance of having an independent judiciary. They must be independent to do what they think is right under the law, of course.

So we still have this money drawing interest. I've appointed a board to select a program she has recommended to us. We're into that process right now, setting up this fund. Several people are asking for hunks of it, and I say, Wait, wait, wait, wait, wait. We have plans for what to do with it. Fern Smith is going to give us some plans and programs.

They may have programs, for instance, of having kids come into court and try cases.

Hicke: Sort of a moot court?

Williams: Moot court stuff. They'd learn to do it in high school and junior high school, and they'd come in and actually try it in a courtroom. There are all sorts of courts available, and I want to find one that is just right, where we can put some money in and say it's going to help inform the public of the importance of an independent judiciary, which is pretty unique. The founding fathers were pretty smart when they drafted our Constitution.

Mrs. W.: There's a book out, written by somebody back East. It is a story about the judiciary, and they do the whole thing with mice, and so you have the Supreme Court with all these mice figures sitting up on the table. Beautifully illustrated. I suppose it would be for maybe third grade.

Williams: That's about the right level. [laughter]

Mrs. W.: But I have to tell you about this ARCO case. It started out in one judge's court way back in about '83. It went to another judge after the first judge retired or died, and that judge had it for a while, so Spence was the third judge to pick up on the case. But ARCO, of course, wasn't in any great hurry, because they were going to have to put this money out. Spence finally got it adjudicated.

Williams: Yes. The plaintiffs were from San Francisco.

Mrs. W.: I think you had the case for eight years when it was finally settled.

Williams: Yes. So we paid everything off. We paid the lawyers off, paid all the distributors. Everything was paid off. We had this money leftover, so about five years ago I set up this foundation to inform the public. Our FJA lawyer, Kevin Forde, and judges Betty Fletcher, John Walker, and Diana Murphy are on the board. We're deciding where to donate the money.

Hicke: Is it unusual to have a fund like that leftover?

Williams: Not unusual, but it's not common. Ann Williams had one that she did. I think it was support for indigent people in Chicago. I know four or five with the money leftover that judges gave towards some worthy purpose.

Hicke: We've been talking about negotiating--what's your philosophy on negotiating?

Williams: "You guys go in the other room and settle it."

Hicke: I know it's not that easy!

Williams: Well, usually it comes after some motions. Motions are brought and the case may be cut down and reduced in size because of the motions that are granted or denied, so the lawyers, both sides, have a chance to evaluate the suit after the judge had made rulings on preliminary motions to eliminate part of it or to dismiss part of it, allow amendments, and so forth. The judges always say, "You guys, c'mon. It's better that you work out a settlement yourself than turn it over to a jury. Really. You probably know that too." And most of them do. So they evaluate the case, and they negotiate an amount, and sometimes they go to trial and sometimes they settle. But you always try to get cases settled first, along the way.

Hicke: It's not to the lawyers' advantage, is it?

Williams: It's the client's advantage; the lawyers are obligated to their client. You take a risk. If you go to jury trial, you know the risk involved and the expense of a trial, and the delay of a trial is also a problem, so there are many reasons to settle cases. And there are many reasons never to settle a case. But in a case like this, when the ARCO knew they owed the money, settlements are usually the wisest thing to do.

Mrs. W.: Spence has a term that he uses: "The worst settlement is better than the best trial, because somebody loses in the case of a trial." Something like that.

Williams: Settlement makes a lot of sense because the parties can evaluate the merits of the case and they can be honest about it. They know the risk involved to their clients. "If you want to take this risk, get it behind you; otherwise, you're going to be living with it for another six or seven years."

Hicke: You can be persuasive, but how firm can you be?

Williams: I can frown at them or encourage them.

Mrs. W.: Sometimes you will refer it to another judge for settlement, don't you?

Williams: I've done that. A settlement judge can become more involved than the judge who may end up trying it.

Mrs. W.: So that if a settlement didn't work, the case isn't prejudiced when it comes back.

Williams: Yes, right. We have some judges who are excellent in settlements. One of our judges resigned recently, and has gone into practice to handle settlements. Most of the active judges have referred cases to him, and he has worked out some great settlements, saving everybody money and time and risk. It does make a lot of sense. Sometimes plaintiffs are overly optimistic about the merits of the case until a settlement judge gives them a candid evaluation.

Hicke: Do you explain all this to them?

Williams: The settlement judges do, sure. I don't really try to settle one of my cases myself, because I have to make too many statements about my view of its merits.

Mrs. W.: But also rulings that he makes can narrow a case down, so that one side or the other or both sides can see the handwriting on the wall and how he would be likely to rule on it.

Hicke: The outcome becomes more apparent.

Williams: Yes, and the risks become more severe sometimes. You know, some part of the case is tossed out or allowed and so forth. They say good settlement is better than most trials.

Moonies

Hicke: I want to ask you about this Moonies case. I believe some boy sued his parents because they took him out of the Moonies and had him de-programmed?

Williams: The father was coming to the state government to try to solve his individual problem. There may have been a federal issue involved if the son had been kidnaped. However, the son had been persuaded to join the Moonies. There was no evident legal authority for the court to intervene with this basically private issue. The son didn't have his constitutional rights violated. He wasn't objecting; his father was.

Hicke: Oh, it was the father who brought suit?

Williams: The father was trying to get the son away from this influence.

Mrs. W.: There was a lot of controversy over that at the time, a lot, and other similar cases.

Williams: The parents would go to the government to solve a social problem between their child and somebody else. They wanted the government to solve those problems. No legal basis for that. He hadn't been kidnaped, and he was over age, I guess. You may go to the sheriff's office because of a kidnap, but there's no way for the court to intervene in that social issue.

Military Doctors

Hicke: Tell me about the military doctors case.

Williams: This was a case where they didn't have the evidence to support their claims to begin with.

Hicke: This is a patient and her husband who brought a wrongful birth action?

Williams: It was against a doctor. [KARYN T. JONES v UNITED STATES, civil No. 93-20137 SW, 1996] Federal Tort Claims Act. The case was against the government because the doctors in the military failed to warn the plaintiff that penicillin might interfere with her birth control medication. Essentially they sued the government for the doctor's conduct. The court held that "plaintiffs' scientific evidence regarding interaction between antibiotics and oral contraceptives did not satisfy the Daubert standard of admissibility" so that evidence was out. Couldn't be accepted. That killed the case right there.

Secondly, "physicians did not have duty to warn patient that use of penicillin might reduce effectiveness of her birth control pills." They didn't have that knowledge.

Thirdly, "the plaintiffs failed to prove that patient became pregnant during time that she was taking antibiotics." So the case was deficient in three basic ways.

Hicke: It doesn't sound like it was much of a case to start with.

Williams: No, it was easy to decide that one. I decided on all three points. You can sue the government if some federal official makes a mistake and you suffer.

City of Carmel, California

Hicke: Next is City of Carmel-by-the-Sea, Monterey Peninsula Regional Park District, Hatton Canyon Coalition and Sierra Club v. United States Department of Transportation.

Mrs. W.: This one is cited often.

Williams: The plan for constructing the Hatton Canyon Freeway project near Carmel didn't provide for protecting a certain local animal and some Monterey pine trees that are indigenous to the area. The suit sought to prevent Carmel from going forward with it, even though Carmel is on this two-lane road where the traffic is terrible. I think people in Carmel were divided halfway on that one, but people wanted to get their traffic problem out of the way and put the four-lane highway down. If you go into Carmel, before you turn in to go south, it's narrow and it's always backed up. If they had a four-lane, they could go past and not jam up the traffic, but they won't allow them to build it because they hadn't taken care of these little animals of some kind, as well as the trees, that need protection.

Mrs. W.: What happened was Spence actually ruled in favor of going ahead with the highway, and then the circuit court reversed him and sent it back to him. So then he had to go along with it, which he didn't like. He was in favor of letting them go ahead.

Williams: Yes. They needed it down there. There was some little animal that lived underground that wasn't being protected.

Hicke: Have they not built it then?

Williams: No. The state has bought the land. The environmentalists stopped them from removing the trees.

Mrs. W.: They had a previous problem. It originally was two lanes, and they made it into four, and they had a big problem getting that one through--the same problem with the trees. But they replanted the pine trees, which have grown, and it's very nice. There are four lanes going through now.

Berkeley Bomber

Williams: There was the Iranian who attempted to bomb a student rally in Berkeley. He was just a crazy Iranian, trying to get even with the United States for some reason. He didn't say what his reasons were.

Mrs. W.: I was very proud of Spence on that one, because he made it very clear that terrorism was not allowed.

Hicke: And I think you said something about you thought his sentence would be a deterrent.

Williams: Yes, that's always a good thing to do. Apparently, he had been a police officer under the Shah. The article says, "This man, who had been a police officer under the Shah in Iran, came to the United States two years ago on a legal visa and ran an art supply store in San Jose. During his three-week trial, he claimed he was framed by other Iranians who supported his country's revolution. The jury took only twenty-five minutes to convict him, and Williams told them 'I fully agree with your verdict.'"

Hicke: Then there was an editorial in the San Francisco Examiner that was headlined, "Well said, Judge Williams."

Press Access to Prison

Hicke: There was a case called DELL v. PROCUNIER [1978]--press access to prison, I think.

Williams: Ray Procnier was in charge of the prisons. The press wanted to get access to interview some inmate. I think it was San Quentin where they wanted to go in and interview a prisoner. I held that the press had no greater right to access to prisons for purposes of news gathering than does the general public. The United States Supreme Court affirmed this ruling and agreed that appellant's first amendment rights had not been infringed.

The public can't go into a prison to talk to just anybody. You can go talk to your spouse. No access just to talk to prisoners. They had no relationship with this person; he was a press item. They wanted to write another story about him. Just because you're the press doesn't give

you any special advantage. You can write him a letter if you want and he can write you an answer, but you can't go and talk to him.

Hicke: That must have made case law, then.

Williams: It sure did. It went to the Supreme Court and they affirmed it.

Ray Procnier was one of my department heads when I was with Reagan's government. I had charge of all the prisons as well as all the hospitals, mental hospitals, and welfare. It was called the Human Relations Agency, and anything that's human relations I had to deal with, almost. I think it was a \$6 billion state government, and I had \$4 billion in my agency--48,000 employees.

Hicke: Maybe we should wrap up for today. But I do want to come back in 2001--I've got a lot more in my outline to go.

Los Angeles Raiders Case

[Interview 6: March 6, 2001] ##

[Jill Escher, law clerk to Judge Williams, joins the discussion of the Los Angeles Raiders, having researched the case.]

Hicke: Jill, why don't you tell us a bit about this case that you've looked up? [791 F.2d 1356 (9th Cir., 1986)]

Escher: It would be better for me to give you the printout, but my computer is down so I can't give it to you right away. I have a summary, but it's very complex. It was an interesting case, an antitrust case against the National Football League and all the teams, brought by the Los Angeles Coliseum Commission and the Raiders. They wanted to move down to L.A. Apparently the market in L.A. was very lucrative for a football team, more so than the Oakland market. The NFL had some rule in its by-laws that prohibited the Raiders from picking up and moving to Los Angeles. So they sued the NFL, saying that that particular by-law and their actions pursuant to their contractual relationship were unenforceable.

Williams: The league argued that they had to have competition among the cities to create more attendance and that sort of thing. So if each team could move itself without league approval, it would destroy this essential economic factor.

Hicke: They might all end up in Los Angeles!

Escher: It went to the jury in the district court, and the jury awarded the plaintiffs several million dollars in damages, and then the court issued an injunction against the NFL to prevent them from prohibiting the move. And you affirmed the district court--you were sitting on the circuit court--

Mrs. W.: In the district court, that was Harry Pregerson, before he went on the circuit court, and so he had a situation where Pregerson was sitting on the trial court and Spence was sitting on the circuit in this case! [laughs]

Escher: Circuit Judge [Dorothy] Nelson wrote the major part of the opinion. You were sitting by designation. It's an interesting case, because Nelson wrote the main opinion and you wrote the opinion about offsetting the damages. Extremely complex. This is like the height of intellectual pursuit, right here. The point of your opinion that was interesting, Judge, was you said that the district court excluded from the evidence that the plaintiffs could have been overcompensated because there was no offset of the value they received by virtue of staying in Oakland.

It's hard to explain without consulting my notes. Your point was a good one, which was that you can't overcompensate the plaintiffs; the plaintiffs have a certain financial benefit by virtue of their staying in Oakland over the past year, and you have to subtract that benefit from what they would have received if they had gone to Los Angeles. It was a sound decision, and what the Ninth Circuit panel did was remand to the district court for re-evaluation of the damages in light of the offset, which was misapplied at the district court.

Mrs. W.: I could tell you what I remember about the case.

Hicke: Yes, let's hear what you remember.

Mrs. W.: I remember this because the fact was that the Raiders were going to go down to Los Angeles, and they were being compensated for going to L.A., which was a larger media area, and I didn't think it was right. So there should be an awareness that they were coming out ahead of the deal, and still getting paid besides.

Williams: That should be part of the consideration.

Mrs. W.: Yes. One of the figures was \$20 million and one was \$60 million, and I've forgotten which figure was for what. All I know is I thought, "This is absolutely ridiculous: The Raiders are going down to L.A., and they are going to get more money because of the media, and they are being compensated besides."

Hicke: For an oral history, we don't need all the concrete facts, because they are in the opinion, and somebody that wants to research that can do so. I'm interested in just the recollections of how it all evolved. First, let me ask Jill, I believe you said it was an antitrust case.

Escher: It's an antitrust and a contract case. It was tried in L.A. and you were sitting by designation in L.A.

Hicke: The antitrust allegations were against the NFL?

Williams: They wouldn't allow the move.

Escher: Yes. The Los Angeles Coliseum and the Raiders sued the NFL and all the NFL teams--that's sort of a technicality, because the NFL isn't a corporation. Here's the problem, Judge. You

were sitting on the panel that heard the second part of the case. The details are in another case, which I would have to go find, because I didn't look at that.

Hicke: Well, let's not worry about the details. As I said, we don't have to get all that on tape.

Escher: The issue that Judge dealt with wasn't so much the liability issue; you agreed there was liability for antitrust violations and contract violations. What you were concerned about was the amount of damages owing to the Raiders. I don't think you had anything to say about the damages owing to Los Angeles Coliseum. You said that the Raiders should get damages--in antitrust you get treble damages--but they should be offset by the amount--"the jury could properly have found that the amount of the Raiders' lost profit from the delay of two years in moving to L.A. was \$11 million. So the jury basically found if they had moved to L.A. and there wasn't any antitrust violation, the Raiders would have made \$11 million more.

However, the jury should have considered that amount should have been offset by the amount of the benefits the Raiders realized by taking from the NFL the opportunity to establish an expansion franchise in Los Angeles.

Williams: They could have set up another football team in Los Angeles, rather than transfer, so they would have had the benefit of creating another franchise.

Escher: Oh, I see. So that would be an expansion franchise--another team. They said, Well, we weren't able to move, but there's sort of this opportunity cost to the NFL.

Williams: Right. They lost a benefit.

Hicke: Did somebody win and somebody lose in this case?

Williams: Everybody won, of course, since I tried the case! [laughter] Actually, Oakland got to move.

Hicke: Okay, so that was a win.

Escher: Oh, the plaintiffs clearly won.

Williams: But the defendants lost money, a special amount of money, because this move took away from the league the chance to have another team in L.A. and make more money on it.

Hicke: So they got a lot of money?

Williams: They offset the total award by the amount they would have made.

Mrs. W.: The main thing is that Spence pushed for the offset.

Hicke: Was there a lot of publicity about this case?

Mrs. W.: All I can remember is that the Raiders' lawyers were really furious with you!

Hicke: I think it must have been Joe Alioto.

Escher: It was. I don't know what happened on remand, but I imagine that they lost a good sum of money.

Mrs. W.: Oh, then it was the lawyers for the NFL.

Escher: O'Melveny & Myers, and Cotchett, Dyer and Illston.

Williams: Joe Cotchett.

Mrs. W.: The key to this whole thing, as far as I'm concerned, is that Spence's idea was typical of his innovative solutions to problems.

Williams: Of the two parties, the league was losing a benefit, and that should be considered.

Hicke: That was certainly an interesting case. Did it go on a long time?

Mrs. W.: Yes, it hung over for a year or so.

Hicke: Okay. Is there anything more on this we should discuss?

Escher: Once I get back online, I can give you the written version of it. [See Los Angeles Memorial Coliseum Commission, v. National Football League; Oakland Raiders v. National Football League, 791 f.2d, 1356. Decided 1986] It's quite a long and scholarly opinion, Judge!

Hicke: Since we're on the subject, why don't you tell me how that works--for district judges to sit on the circuit court?

Williams: Well, they ask you to sit on the circuit, and they tell you what panel you'll be with and assign the cases you'll have. After you hear oral arguments, the panel decides who will write the opinion. All the judges come in prepared to discuss the case fully at argument. They have the briefs and pleadings so they know the case. The judges discuss it and then decide who will write the opinion. After it's written then it's circulated among the judges, and any of the judges can write a dissent, or agree with it or suggest a change. You hear five or six cases in a session. A case is argued, then it's submitted, then another case is argued and it's submitted. Then they take a recess and hear some more cases. When it's all over, each judge gets a certain number of cases assigned to prepare a draft opinion.

Hicke: Does a district judge fill in because of a vacancy or because of an overload of cases?

Williams: It's a combination of things. Cases may build up, or maybe a judge is out sick and there aren't enough judges to carry the load. Sometimes there are judges assigned from other districts, other circuits, to come in and sit too. It's a benefit to the judges to go to other places. I've tried cases in New York, Chicago, New Orleans, and Boston, and it's fun to do that and it helps with their caseload, and it's informative for the visiting judge to see how other districts operate. So it's a combination of things.

Hicke: Do you volunteer to do that, or do they draft you?

Williams: I think you let it be known that you are willing to take assignments, and they call you and say, We've got a case in Boston; how about taking that?

Mrs. W.: Sometimes they call and ask if you have time, or they send you a list of the places where they need somebody and the dates. One of the fun things about this, as far as I'm concerned, was the circuit judges' technique was, after the hearing is all over, you're sitting around discussing it, and they always ask the district judge what his opinion is, first.

Williams: So you tell them. Sometime they agree and sometimes they discuss it, vote on it, then they assign it. That's basically the system, and I think they are very fair in how they do that. It's fun to see the system operate from that level, too.

Hicke: Let's look at it from the other side: as a district judge, what kind of relationship do you have or establish with the circuit judges?

Williams: You don't meet with them normally on a day-to-day basis; they have their courts and calendars and other things to do. You do get to know them at annual meetings of the whole circuit--circuit conferences. And sometimes you're on a panel at the conference discussing some issues. So you get to know them, not as well as your fellow judges in your own courthouse, but you get to know the various circuit judges, and if they are golfers, you play golf with them, so you get to know them on a social basis too.

Mrs. W.: Oh, they're very collegial, though.

Williams: Oh, yes. I remember down in San Diego, Bruce Thompson, and we played golf with the lady judge on the Supreme Court.

Mrs. W.: Yes, that was Sandra Day O'Connor. We also have played golf with Justice Tony Kennedy, and Justice Stevens.

Williams: Anyhow, we get to know them on social occasions and then trying cases with them, so you don't get to know them as well as fellow judges that you see all the time, but you get to know them pretty well.

Mrs. W.: Another thing that's sort of customary is that the night before a hearing day, usually the three judges will meet just informally for dinner.

Williams: Not to discuss the cases, just to get together.

Hicke: Have you ever been on a case where the circuit judges sat *en banc*?

Williams: I don't recall any. It doesn't happen very often.

Hicke: Since we're on the circuit courts, what do you think of the question of dividing the Ninth Circuit?

Williams: Well, the Ninth Circuit may be so big in territory and growing population that the court itself may have so many judges that they may lose the personality aspect of it, personal

relationships, which are helpful and which may be recognized in a smaller court. That's just a presumption. I think when they consider dividing a circuit, they make a study of how fast the cases are being resolved, what the impact is of having a large population, more district judges, more district courts, and therefore the workload may become cumbersome. I think there are lots of reasons to divide a circuit when it gets to be too large, but I am not of the opinion that the Ninth Circuit has reached that stage.

Hicke: Aren't there political implications?

Williams: That's part of it. That might well come into consideration, but the logical basis for it would be that if the circuit is too big, it may lose some of its efficiency and maybe some of its personality.

Hicke: Is the Ninth Circuit labeled, like liberal or conservative?

Williams: Not that I've heard of. The states themselves might be considered conservative or liberal, and that might be reflected in the courts, which would not be unusual.

Hicke: Now I have this outline with a lot of general topics. Is there anything on it that you would like to discuss?

Williams: I wrote some notes on my copy, but I don't have it here. This is one you just gave me. I can go down it. *[looking at outline]* "Administration: colleagues and associates." Lots of chances to meet together and establish friendships and mutual respect is very healthy. Like in any group, there are always some people who will disagree with others, but I've never seen any evidence of bad feelings among judges who get together. They are very collegial, friendly, cooperative.

Hicke: That's amazing, considering their different opinions.

Williams: Yes, but they have their cases and on a panel they have discussions, but I've never seen any evidence of bad feelings on a social occasion.

Mrs. W.: It's interesting to me that they preach to you in the beginning about forgetting your political affiliations, and I think it's true--I see the most liberal of judges with the most conservative, and they get along fine.

Williams: Well, defining liberal and conservative is difficult. Someone may be liberal on one thing and conservative on another, so you can't put an overall tag on people.

Hicke: I think that's an opinion worth broadcasting; not enough people seem to be aware that you can't generalize like that.

Williams: It's easy to generalize, but if you analyze it, it's more complicated.



Spencer Williams appointed U.S. District Judge, Northern District of California, 1971.



Spencer Williams, 1987.



Spencer and Kay Williams being interviewed, 2001.

VI COURT PROCEDURES AND ADMINISTRATION

Trials, Juries, and Litigation of Constitutional Issues

Williams: Maybe we should continue down the outline first.

Hicke: We're on "Characteristics of a good trial."

Williams: You hear the evidence, listen to the lawyers argue the merits of the case, insure their citing of caselaw is accurate. After you hear the evidence, you decide if you are in agreement or not. If they can persuade you, then apply the law and come to a decision.

Hicke: It's not that easy, I'm sure.

Williams: No, no; those are steps you take. You have to hear the evidence, then the arguments, then look at the law the lawyers cite. You want to be careful about the authorities they cite, the ones you find that are accurate, then you apply the law.

Hicke: The facts are undisputed?

Williams: No, sometimes they are disputed, so you have to say what you think the facts really are. There might be a big difference of opinion among the witnesses and the lawyers about the facts. Of course, if it's a jury case, the jury makes those decisions and you pretty much rely on their findings unless you strongly disagree. Then you can order a new trial. You can't overlook that some people will benefit and some may be seriously damaged by the results, but that's the way the law is.

Hicke: Is time a factor? Do you let them have as much time as they need?

Williams: No. We talk about the time ahead of time in chambers, and I may say, "Let's move on now." We can't spend three weeks on a case that should take two days. They comply. If they persuade me that what they have in mind is critical, I say okay, but sometimes they don't, so I say we have to move along, because we have a lot of cases stacked up and it's not fair to the people waiting in line to have their cases delayed. Some people abuse their opportunity by taking too much time. Those are things that balance out. Those are considerations you have to keep in mind when you have a problem.

Hicke: Are those things that require experience, that you learn as you go along?

Williams: Well, yes, but even as a practicing lawyer, you have differences of opinion with lawyers on the other side and some you resolve without going to trial. You dispute, but not angrily; you both do the best for your client. The jury or the judge makes the decision, but you are aware of the facts the opposition has and vice-versa. The judge weighs them all to make a decision, and the jury does the same. Then the appellate court in reviewing it may say, Ah! That's a mistake. And they send it back for another trial. It's the best system in the world. Other countries envy us our system.

Hicke: Yes, we've talked about that.

Williams: "Competence of Juries." Amazing!

Hicke: Is it?

Williams: Oh yes. There can be some of the most difficult stuff and they--they have experts who can explain it to them in simple terms and express it to them. Juries have a way of evaluating the evidence, even very complicated stuff, and coming up with sound decisions. I'm often amazed at the perception the juries have. In this area we have so many people on the jury who are professionals themselves. In Silicon Valley we have very smart people on the jury, and they bring their knowledge in and it can be applied--not always to the facts but how the system works and the importance of certain aspects of it. So they get in there and do a good job.

Mrs. W.: Their personal judgment as to whether somebody is telling the truth or not I guess would be good too.

Williams: Oh sure. They have good judgment.

Hicke: I have never thought about that--that this area would draw highly competent juries.

Williams: Oh yes. We get very, very excellent jurors. And most of them don't try very hard to get off. Sometimes they say, Can you write a letter to my boss? I say, Sure.

Hicke: You pay some of these dot com people something like six dollars a day!

Williams: [laughing] Oh he probably has to turn it in because he still gets a salary.

Hicke: This is really an interesting point.

Williams: You also get some jurors that don't have a great background but they are very perceptive. They may not have the training but they have some way of perceiving things to make a correct decision.

Hicke: As Kay said, they may have insight into people's character.

Williams: In summary, I would say that the juries' competence is outstanding. That also of course depends on good experts who testify and are able to explain things.

Mrs. W.: They take it seriously--their responsibility.

Williams: You bet they do.

Hicke: That's good to hear.

Williams: "Increasing tendency to litigate constitutional issues." I haven't been aware of that. Some people who raise these issues are not really well versed in what creates a constitutional issue.

Hicke: Are there a lot of problems regarding freedom of speech?

Williams: Yes, there are, and the press likes the freedom of speech/press issue. You can't have the government controlling speech, but there are certain things that are a violation that hurt people and you can be liable for it, so freedom is limited. They can say it but they may be held responsible for it. You can't say they can't say it, but once they say it, they can get sued for it. I think a democracy has to have freedom; otherwise the government is deciding what you can and can't say.

Hicke: It seems impossible to find the line between private rights and the public good. People just don't agree on that.

Williams: That's true. Generally freedom of speech is beneficial to the public, because they can hear a lot of things they wouldn't hear otherwise. It may be good, it may be bad, but at least they can hear it and make that judgment. Otherwise they could say, We don't think you're entitled to hear this. There's freedom to say it, but not freedom to say it and not be held accountable for it.

Hicke: Then there's this new problem that you probably haven't had to deal with, which is what people say on the Internet.

Williams: The Internet people may say, You have freedom of speech but not on our channel. You have no right to come on my channel and say something terrible about someone else. We might be held responsible for publishing it if you slander someone else. A TV or radio station might say, We won't let you say that on our station. You have freedom of speech on the street and you have freedom to go to the press and try to persuade them, but you have no freedom to compel us to publish it.

Hicke: So the venue is important? If you're out in public that's one thing, but if you're on somebody's private property, that's a different story.

Williams: No, not on the property. If you're on someone's property they may kick you off but they can't stop you from speaking. They can't say, You can stay here but you can't speak. Or, You can stay here if you don't speak. That would be a condition of contract: if you agree with me you won't speak and you can stay here. Otherwise, get the heck off!

Freedom of speech is very important, and the person who is speaking has to be held accountable if it's slanderous, damaging, false. But, you can't say, You can't say that. Or enforce it.

Hicke: Next topic: "Changes in types of cases." Antitrust, as we all know, has come and gone and come again, and intellectual property is becoming more and more significant.

Williams: The individual aspects of each case depend upon the facts and the applicable law at the time. Independent cases have been decided on the same basic issue and how the courts have handled them. There will always be antitrust cases and personal injury cases and many others that people will file that have the facts to support it and legal theory to support it and try it, either to the court or a jury. But I think that perhaps in this area there are more intellectual property cases than in other parts of the country because it is a high-tech area. Probably in New York antitrust would be heavier than in other parts of the country because they have big corporations. Personal injury--anyplace. Some places if you get hit by a horse it's okay [laughs]. If a person is injured, they have a possibility of a lawsuit, but the success of it depends on whether the defendant was negligent or they were negligent, who caused the injury and whether they were actually injured. All those facts will come up. But the personal injury may exist as a case, and the person can bring it. Whether it will be admitted or not depends on the facts and allegations.

Hicke: What about the political aspects? For instance, the head of the Justice Department might influence the number of antitrust cases brought.

Williams: They might. They might feel that's important in our economy to do that, or they might have complaints brought by other companies. Most antitrust matters are brought by a person whose business is being interfered with by someone who is invading their territory. I've never had a monopoly case brought by the government, but I can see it may be in the government's interest not to let one company run all the railroads, for instance. If someone else wants to come in and compete, they have a right to do it and you can't stop them. If you use illegal activities to preclude them from participating, you can't do that. They might pass a special statute about that. Monopoly cases will be brought to trial when someone is monopolizing the market and whether they succeed or not depends on how they do it and all the facts of the case.

Hicke: Doesn't the antitrust law change from time to time?

Williams: Sometimes it does, and sometimes the decisions of the appellate court will raise a new issue or put a different slant on the standing concept of it, and that will be the law until some higher court says it isn't the law and will change it. So that fluctuates in a technical way. But antitrust cases will still be brought and the antitrust concept is there. The law will change as a case is tried and ruled on certain issues: this may not be antitrust violation because they didn't really monopolize the market or what they did was not directed at other competitors, it just happened. This type of cases--

Hicke: I was thinking particularly of the Microsoft case.

Williams: The question is whether they are tying Windows to their other products. It's not my case so I won't discuss it in detail. The monopoly questions will be decided on a case-by-case basis, but those cases will be there and will be tried. And that case may come up with some changes in the law.

Hicke: The next topic is "Changes in Jury Selection."

Williams: The only one I know of right now is how a court commissioner can rule on a petition of a juror to be excused from jury duty because of illness or disability.

Hicke: That didn't used to be the case?

Williams: It used to be the judge. They'd call a bunch of people in for jury selection and the judge would say, "Does anybody here claim a disqualification?" Then they'd get up and go through that. Now they can go right into the clerk's office and get the thing resolved, rather than having to come into court, which is good. I can't think of anything else about jury selection that has changed, in my experience.

Hicke: That in itself is interesting, that nothing else has changed. Now, we've talked about the district court as related to the appeals court.

Williams: The district court judge hears arguments and people testifying, whereas on the appeals court you read the briefs and hear the arguments and that's it. In the district courts you see the battles, you know, and it's more exciting. You might have to get the lawyers into chambers and say, "Knock it off." In the appellate court, the lawyers come in and argue and there are questions and answers and that's it. You don't hear the witnesses testify. You read about it, but it's not right there happening in front of you. You're not participating as much. A trial judge participates; you rule on the motion right now.

Hicke: Do lawyers sometimes press you--push their luck, so to speak?

Williams: Some do. Some try to find out how much they can get away with. If they don't know you, they might ask other judges about you: What's this guy like? What's he tough on? They get ideas and they may try them out on you. It's quite a difference when you're trying a case. You control the trial; it's much more participation.

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Hicke: The next topic is how your district compares with others as to case load, procedures, etc.

Williams: The A.O. watches that. They keep a pretty good record of all that.

Hicke: Well, we talked a bit about sitting on other courts.

Williams: I've enjoyed that. It's always a good experience to find out how they do things differently. You might get some ideas to bring back and try them yourself. You might go to another district and try a case your way and they will think it's a good idea or you might find out how they do it and want to try it that way yourself, so it's helpful. It's interesting to see how they react in different places.

Self-Evaluation

Hicke: Let's talk about your idea to send out an evaluation form to lawyers who have been in your court asking them for an evaluation.

Williams: That was some time ago. I don't know how long I'd been a judge then, maybe four or five years, but I thought there's no way they can tell me and no way I can assess my court performance. What lawyers think about how you perform is something you should know so you can modify the way you do things, improve on them, read up on certain things. So I decided I would send this questionnaire to every lawyer that had come before me--there's probably a copy of the questionnaire someplace--asking them to evaluate me on various things and to send them back to a third source so I would not know who had signed the questionnaire and they could be very frank. They were compiled and sent back to everybody who had sent theirs in, so they would know whether their view was shared by the others or not. So I thought it would be beneficial to me and beneficial to them. We did it and I got an evaluation, and I wasn't upset about it, so I guess it was okay. I forget exactly how it came out but I was satisfied with the results. Some of them weren't good, but the good ones I thought were excellent. [laughter]

Hicke: I'm sure that was most of them.

Williams: But seriously, the lawyers could feel free in responding, I would never know what any individual said. I'd get the benefit of having their view, without having to ask questions. I probably made some changes; I don't remember specifically. But I know I was very impressed by the candor of their response and what the added comments were.

Hicke: I believe I read that the Ninth Circuit took up the idea.

Mrs. W.: Yes, they did; they copied your idea.

Hicke: Did you continue to do this?

Williams: No, it was only one time.

Mrs. W.: The state judges sent out an evaluation for state judges but in their mailing they included federal judges, so Spence was evaluated again then. What we found fallacious was there were a number of lawyers who sent in evaluations who had never practiced in his court. Somehow we saw the list. It was a county bar association list.

Williams: What I did was send it out to people who had been in my court. They sent it back to a neutral source. They were summarized and results sent back to them and to me. I thought it was helpful; in fact, it came out better than I thought it would.

Mrs. W.: You'll have to take some of these letters because they are just fabulous.

Judicial Techniques and Style

Hicke: Let's go back to the outline and discuss judicial techniques, style.

Williams: Maybe I do things differently than other judges; I'm not sure.

Hicke: I should think every judge must have an individual style.

Williams: I think we feel pretty relaxed about dealing with witnesses and jurors and how we operate. There are differences in judges, obviously.

Law Clerks

Hicke: What about qualities you look for in a law clerk?

Williams: Well, they've applied to you, which is important. I look at their transcripts, how they stood in their class, whether they were on law review. Every one of them has been outstanding; it's unbelievable. The qualifications of these kids are unbelievable. They often have broadening extra-curricular activities.

Hicke: They make the application to you?

Williams: Oh yes. You interview them. Some are from Boalt, Stanford, other schools. You talk to them, and you decide and ask them. I've only had one, and I won't mention the name of the person, who just did not work out at all. I let him go at the end of the first year. I said, "I'm sorry, but this is just not working out."

Hicke: That's a pretty good record.

Williams: Yes, it is. Hard-working, dedicated, maybe married with children, but they work! Great system. Of course, we have two great law schools in the area: Boalt and Stanford. Then we have Santa Clara, Hastings, and UCLA, and some come from back East from Harvard, Yale, et cetera. You get high-quality people and it's really great.

Hicke: What kind of impact has been made by technological changes in the clerical work--computers and so forth?

Williams: I think they've improved the situation. Computers, and research that makes available to you case law in printed form, these changes speed up the availability of information, including the transcripts from the court reporter. Anything that shortens the time in which to get a case resolved is helpful. If you get on your horse to ride down to the courthouse with all your law books in the back of the wagon [laughter], that won't fly anymore!

Conferences and Meetings

Hicke: The next topic is “Judicial conferences and meetings.”

Williams: You sometimes have a problem if a company wants to sponsor meetings, like workshops on various aspects of the law, and you get your transportation paid and maybe play golf in your free time. There is concern if the people sponsoring it are getting some break by impressing you with aspects of the law that favor their case or may be detrimental to people on the other side of it. The ones I've been to had no hint of who was sponsoring them. I went to several on the law and economics which were very helpful to me because I was not an econ major. I told you about the case where my opinion had a graph in it. I think I've benefitted by it and I think the legal system benefits if you are able to understand something better. I think if some corporation wined you and dined you and took you to their headquarters, that would be bad. Some criticisms have come up recently because they went horseback riding or something. Well, I'm sure the judges who went there benefitted by the recreation but I'm confident they benefitted by the teaching. I thought they were trying to help me to do my job, and they did. But if there is any thought of trying to influence judges, that's bad.

Hicke: Next, “alternative dispute resolution.”

Williams: It's excellent. If lawyers can't get together on a settlement, they can get a third view. The judge doesn't participate in these discussions. He can discuss the merits and maybe help. It helps both parties arrive at a satisfactory solution. It saves them time and money and saves the court time and money. I think every case has some level at which it will settle. Having it discussed openly in front of a third independent party gives both sides a better chance to settle, I think. There's no pressure, except to have the case either resolved or go to trial, to not put it off. One side may be under more pressure than the other, so it may be more advantageous to one side; that's one of the factors I can't be involved with.

Women and Minorities

Hicke: “Women and minorities.”

Williams: We need more of them; they are doing a great job. Stand them up there with everybody else and you can't tell any difference as far as performance and for their contribution. You just can't differentiate.

Hicke: Is there any difference from their point of view?

Williams: They may feel it. But I don't think anyone I know would evaluate them any differently. You get to know them and like them and they fit right in. I don't know of any problem myself. Of course you have to define minorities--they may be a minority in one place but not in another. I feel that women may have had a more difficult time--the first ones--but they have just done their job like anyone else.

Mrs. W.: I agree. The women judges have been outstanding, and they have had to work harder to get there.

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Williams: Many years ago when I was county counsel, Margaret Morton became a deputy DA--first woman in that capacity we had, I think, and she was outstanding. She set an example that removed any doubts about a woman's competence to be an excellent DA. [looking at outline] I don't think I'm a judicial activist, at least not as far as cases are concerned. As for bringing lawsuits and that sort of thing, I may be outspoken. [hearty laughter]

Mrs. W.: In supporting the independence of the judiciary.

Williams: And also protecting the right to have a fair compensation.

Hicke: I should point out that we're all being a little facetious about this, but you've done a wonderful job in organizing the FJA and gathering up support for its goals.

Williams: I haven't been hesitant to do it, so maybe that's being activist. It's so outrageous what was going on and I've given examples many times. Lawyers give up their practice to come on the bench and we should make it attractive. The solution has come and gone, but I think people are aware of the problem now, and it's not as big a problem as it used to be.

Hicke: Yes, much thanks to you.

Williams: We just did get another COLA. There's so much money out there for the practitioner, and they relinquish that big money when they become a judge. They get more rewards in other ways for being a judge than they might by staying in practice, but their financial sacrifice might affect the whole family.

Mrs. W.: I'm always remembering one of the very early stages when Malcolm Lucas, who eventually became chief judge of the California Supreme Court, was on the federal bench. He left the bench because he couldn't send his kids to college. He had two kids in college at the same time and I figured out that took more than his whole income.

Williams: Thanks to California public education, we didn't have that problem. Our kids went to Cal, UCLA, and Davis.

Mrs. W.: We couldn't have sent them to private schools.

Some Committees and Judicial Organizations

Hicke: Let me ask: you were on the JCUS Committee on Disposition of Federal Court Records, 1978-80. Tell me about that.

Williams: That was about where you store records, how you keep them, how you go about getting them recalled. I was on that committee for a couple of years to establish procedures for handling of court records. We were just looking at the physical problems pertaining to storing or disposing them over a period of years--what should be kept and what should not be kept. Then I went off the committee--

Mrs. W.: The committee was disbanded, because they had done their work.

Williams: Of course now they can get more records on microfilm and so forth, so it's not such a big financial problem to store them. They have to be maintained, not necessarily for historical purposes but for the research--the case may have some importance. It was an interesting committee to be on, and I enjoyed it, but it wasn't earth-shaking.

Hicke: Did you get some help from archivists?

Williams: I think we did. We would talk to people about possible solutions and get some recommendations.

Hicke: I also have that from 1982-1984 you were president of the Ninth Circuit District Judges Association. What was that?

Williams: Another association. It included all the district judges in the Ninth Circuit. We'd have a meeting when we were all gathered for the Ninth Circuit conference. We'd talk about golf handicaps and so forth! [laughter]

Mrs. W.: Actually in the "olden days" when it was a smaller circuit, a lot of the programs were done by the District Judges Association. They didn't have the A.O. involved then. So when Spence was on it he was actually out looking for people to provide the programs.

Williams: We were all trial judges and circuit judges. We'd always meet once a year and the district judges would meet separately. It was very effective socially, too; you'd get to know other judges and that's important too. The better you know the judges the more you appreciate the job you have, and if you have problems you can discuss them.

Hicke: My notes say in 1984 you traveled for the US Information Agency to Iceland and Germany.

Williams: We made quite a few trips to Europe.

Mrs. W.: There were two different programs. One was about immigration, and I can't remember what the other one was about. So Spence was prepared to speak on two subjects. They were primarily meetings of European lawyers and judges.

Williams: Our system was so widely admired and envied in other parts of the world, and the independence of the judiciary was unbelievable to them. Appellate courts were practically political, and could reverse lower court decisions on a political basis. Some countries don't have freedom of speech, so they always admired our system and the freedom to decide cases. So we'd talk about it and judges in foreign countries always had a lot of questions. There was also the International Academy of Trial Judges, and I was president of that for a while [1994].

Mrs. W.: The USIA was sponsored by the State Department. We were met by State Department people and they took us to law schools. Spence gave a speech in the evening, then we were put to bed and put on a train the next morning to go to the next place. There we had dinner with the local people, Spence gave a speech, we went to bed, and the next morning we got up and went to the next place.

Williams: They were interested in knowing more about our system.

Hicke: What about this International Academy of Trial Judges?

Mrs. W.: That is basically a California-organized group, a lot of Southern California (state) judges. They met different places. We took trips overseas and met with the local judicial people and sometimes at law schools, sometimes at the courts. We were given talks and we responded. It was a good way to do a little traveling to different countries and find out about the different judicial systems. More of a learning process.

Williams: It was organized by California judges and it was a way to create trips for California judges where we could deduct the costs for tax purposes. It was a nice way to meet with judges in other countries, but we'd also get a trip to Europe.

Mrs. W.: They also had people from Minnesota and Texas who were friends of people in California. Spence was the first federal judge to be a member.

Hicke: Now we come to a good one: "the impact of a judicial career on family life and social activities."

Williams: I wouldn't call it impact--impact sounds kind of negative. Maybe influence. I think it has been great--for the family, for Kay and myself and the children. There were a lot of social activities at these meetings. So it's been thoroughly enjoyable for us. And I think we've made a contribution of some sort.

Hicke: Kay, you would agree with that?

Mrs. W.: Absolutely. I'll boast a bit. Spence's being part of the judicial system has created of course the FJA, and friendships all over the country. I'll never forget the first convention of the FJA. Prior to that time there had never been a meeting of federal judges from all over the country. Each of the judges had been on a committee of some sort and met with half a dozen people from other parts of the country, but this was the first time federal judges from all over the country had gotten together. The excitement at that meeting among serious judges was outstanding. They were just so thrilled to be able to get to know each other and share their joys and their problems. It was an uplifting experience for absolutely everybody there.

Williams: Almost electrical.

Mrs. W.: It was; almost electrical. One of the things I've never forgotten: they gave Spence a plaque—it's up there on the wall. On the back it's signed by all of the judges, and the judges stood in line for up to an hour just to put their name on that plaque. It was really a thrill. Along with that was the opportunity for the judges to get to know the Supreme Court judges.

They came to those meetings--receptions and that sort of thing. Then we've had so many people bring their families. And of course, the day that we go to the White House--this is a big thrill, because we get to see parts of it that are not seen by the public. That's very exciting too. That's been a third dimension to Spence's career.

Williams: We have another FJA meeting coming up in May.

Mrs. W.: Yes, you ought to come!

Hicke: That would be a great experience for me.

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VII FAMILY MEMBERS AND ACTIVITIES

Hicke: Now since we're talking about the family, I'd like to hear a bit about each of your children.

Williams: We have six, starting with Carol.

Mrs. W.: Do you want me to do it? I'll go through with each one and tell you what they've done with their lives.

Hicke: That's just what I want.

Mrs. W.: Carol is a graduate of UC Davis. At the end of her time at Davis she was president of Prytanian, which is the women's honorary society, and she was the most honored of all the students for her activities. Very quiet person; her quiet competence is the key to her life. She was recruited at Davis to work for Pacific Bell and went to Los Angeles to work in the office of the president in planning, which I thought was interesting, for four or five years. She is married to Jim who was working for G.T.E., so they were working for competing companies.

Hicke: What's Jim's last name?

Williams: Garvey. He was born and raised in New England.

Mrs. W.: They met in Republican politics. She was secretary of the Los Angeles County Central Committee and they worked on campaigns--mostly losing campaigns in Los Angeles County. After they were married they acquired a sailboat through a friend of Spence's and took a trip down to Australia and New Zealand, by themselves, for three years. They sold their car and stored all their possessions and were gone for three years. We went to see them in Sydney and stayed with them on their boat.

When they got back they decided to have a family. She went to work as business manager for an architectural firm and he went into private business. They have two girls, now fifteen and seventeen. They're in Los Angeles. She stayed home until about two years ago and now she is the business manager of a private school. I forgot--she earned a master's degree from Northwestern University in history after she went to Europe on that--you know, Europe for Five Dollars a Day. She almost did!

Williams: One of Carol's girls is thinking about going to Mount Holyoke.

Mrs. W.: That's in the future, of course.

Next is Pete. Pete graduated from Davis in 1967. He went to work for the state Department of Motor Vehicles right out of college. He's been with the state ever since--with General Services, with Parks and Recreation, and now he works directly for the governor in what they call the Department of Innovation. They try new things. He met and married Sue in Sacramento, and they have three children. Their oldest is our oldest grandson, Scott; he's twenty-five. The others are twenty-one and seventeen. The oldest one graduated from Oregon State. The second one, Jeff, is a junior at University of Oregon, and the youngest one, Spencer, will probably go to the University of Oregon. He's the journalist, editor of the high school newspaper. [added in editing:] Pete's wife, Sue, has a degree in counseling and now works for the state, too. We are enjoying being in the same town with Pete and Sue and the boys, as well as Spence and Emily and family. Pete is a farmer. He has a great vegetable garden every year.

Williams: Then Spencer Thomas.

Mrs. W.: Spence is the next one. He is not a junior; he's Spencer Thomas, which is a family name. He went to Cal. I didn't want him to go there at the time because all this stuff was going on.

Williams: But he did fine.

Mrs. W.: He joined Spence's fraternity, of course not the same chapter.

Williams: It was my father's fraternity also, so that makes three generations of Theta Delta Chis.

Mrs. W.: His interests were so widespread that he decided to take more time at Cal. Spencer took six years, partly because he became a ski pro, since we were living in Sacramento and close to the slopes. He used to go up on weekends. He'd come and stay at our house on Friday night, then go up to the mountains on Saturday, then come back on Sunday. He decided to rent a house up there for the winter. So he'd go to school for the fall semester, then stay up there for the winter semester, then go back in the spring. Being very innovative, they rented this house and then charged their friends to come and put their sleeping bags down. So they paid for their rent with the five dollars a night from their friends. Some nights they might have five or six and some nights they might have fifteen.

Hicke: Enterprising!

Mrs. W.: He is.

Williams: He was a skier, and he also was a diver and a swimmer.

Mrs. W.: Yes, and he wrote a book about skiing. He got into gymnastic type of skiing. He did moguls and he did flips.

Williams: He did flips backwards off a ski jump.

Hicke: Did you have to watch that?

Mrs. W.: No, I couldn't. Somebody did take a movie of him so I saw him doing moguls.

Williams: He wrote a book called *Trick and Ballet Skiing*.

Mrs. W.: He had it in several big nationwide stores. One of the innovations of it--maybe as a child you had these books where you could flip the book fast and it would like moving pictures. He did that in the ski book. He got his expenses out of it, but not much more. He went on to other things.

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Mrs. W.: After graduating he got into television advertising; he sold TV advertising, first in Los Angeles, then in the Santa Cruz area, then in Sacramento. About five years ago he formed his own company.

He has three kids. The oldest is Matt, eighteen; then Heidi, two years younger, and another girl, Megan, two years younger than that. His kids are outstanding. His wife is an artist, so they've all picked up on art work. Matt had art work exhibits in Sacramento when he was in kindergarten and first grade. They are all excellent students.

Heidi is the natural political gal; she was president of the freshman class in high school and is vice president of the sophomore class and is planning on running for president of the junior class so she can run for president of the student body in her senior year. She has it all planned out.

Megan is a soccer player. She's very competitive. It will be interesting to see what she does. It's very hard to be behind her outstanding sister, but she'll be all right.

Our next son is Clark. He is a lawyer. He graduated from the University of Washington, then went to Willamette [University] to law school. He married a college sweetheart and they have four kids. Their oldest is a girl in her last year at Seattle Pacific, and she was involved in everything--head cheerleader, on the tennis team that won a place at the statewide conference. Blake is the next one along and he is a freshman at the University of Washington. He is a football player, basketball player, baseball player. Good-looking hunk of kid too. Next one along is Brian. All four of them are straight-A students. He is very athletic. Clark takes care of the Little League coaching, so both Brian and Brent are on their way to more athletics.

Williams: I might mention that Clark is a lawyer and he said, "Dad, I'd love to be a judge but I just can't afford it!" He was always bright with numbers and now he does tax work.

Mrs. W.: That's his specialty--pensions and other kinds of tax work. He's a good lawyer. He works hard, too. Already has a statewide reputation. His wife, Julie, is a great supporter of all the children's activities.

Jan is our single daughter. She's a sports buff, a natural athlete at well.

Williams: She's the only other redhead in the family. I used to be a redhead.

Mrs. W.: Right out of college she worked as a sports information director for UOP [University of the Pacific]. She did the same for Chico State University, then went up to Seattle. Her claim to fame, if you will, is she worked for two Olympics. The first one, she was one of the people in charge of the torch run. They would plan a whole day of who was going to run which stretch. They were running kilometers, and she would have to plan where they were going to stop and where they would switch the torch to the next person. This last time she was in charge of the whole state of Florida for Coca-Cola--they were one of the big sponsors. They did all the auxiliary events that went along with the torch. When they were in Miami, they put on a big function in the stadium, for instance. Her present job now is events coordinator for the convention--actually the exhibit hall in Seattle where they have real big exhibits. She's the person who tells them where they can plug in their electricity and so forth. It's a fascinating job. Jan went to UCLA for three years but wasn't happy with her major, so she went to Arizona State [University] and got her degree in communications. She was in competitive swimming for a number of years.

Diane is our youngest daughter. She graduated from the University of Washington, married her last year of college, so we lost her to the Northwest.

Hicke: Yes, but at least they are all on the West Coast; you are really lucky!

Williams: That's planning! If the kids said, "I want to go to Harvard," we said, "No, you can't go back to the East. You'll get married and we'll never see you again." I came out from the East Coast to California and I got married and all my brothers and sisters are back there. So I said No, and they all married here and all their kids are here. So it's not that difficult to get together.

Hicke: You let one of them go as far east as Arizona! [laughter]

Mrs. W.: Diane and Sean, who is a building contractor, were in New Jersey for a year and they found out that life on the West Coast is a lot better. Before she got pregnant the first time she got her real estate license, so we used to talk about real estate and how you go about doing business. She has been staying home with her babies. Unfortunately she has epilepsy. Now her health is fine. Her husband has a physical problem; his muscles are gradually disappearing. It's probably multiple sclerosis, but he's hanging in. It's tough, real tough.

Williams: He's a good husband, good dad.

Mrs. W.: Their kids--talk about athletes! Their oldest son, Ian, is a real natural athlete. The other two--we were up there visiting recently, and Emily was reading Harry Potter, and I couldn't believe she could read so well. The youngest, Shannon, is a pistol at three years. They're all great. The youngest one is three years old. There is a range of twenty-two years. In our family, it was a range of thirteen years.

Hicke: You have an amazingly wonderful family. It's a thrill just to hear about them.

Mrs. W.: We're so proud of them.

Hicke: I can see why you are. Is there anything more you'd like to say?

Williams: Well, I just think I've been very lucky, very fortunate to have a girl like this for a wife and all these great kids. It couldn't be better.

Mrs. W.: We have no complaints. Almost fifty-eight years.

Hicke: Congratulations!

Williams: We're planning a trip back East.

Mrs. W.: One of the nice things: Spence's family has gotten together every five years for--well, this is either the sixth or seventh time we've gotten together. We started out with maybe thirty people. Now we're well over one hundred.

Williams: This summer it will be in North Carolina. I have two brothers in Pennsylvania and my sister is in Arizona and Ted is in Florida, and one is in Delaware. We get together with all our families and we have a big old time.

This lawsuit I have now was turned down by the circuit. We got a great decision by the trial judge and it went to the circuit and they reversed it. So we will petition the Supreme Court to take it. Of all the judges on the circuit court, many would have been favorable, but on the panel we got, two of them weren't so hot for it. The majority said, We won't hear it again; just go to the Supreme Court.

Mrs. W.: I'm betting that ten or fifteen judges will retire if the Supreme Court turns it down.

Williams: Yes. Because the law says we should get an increase in compensation to offset the effects of inflation. It includes both us and Congress, but Congress doesn't want to have an increase in compensation because they have enough trouble getting reelected as it is. It's used against them; they're making too much money. But we're tied into that. They say, If we don't have a pay raise, judges shouldn't either. So they hold up the COLA. We've had four years now that that has happened. I think the Supreme Court realizes, every court should realize, that as my son said, "I'd like to be a judge but I can't afford it." It's very difficult for judges who have been on the court for a long time to have their kids make more money than they do. The work is wonderful and challenging, but--

Mrs. W.: Two of our sons are making more than we are and they aren't judges.

Williams: The money is not that important per se, but to have a chance to make more would be helpful to the family.

Mrs. W.: A woman law clerk who worked for Spence last year went right into a law firm. She's making \$200,000 a year.

Williams: She's making \$60,000 a year more than I am now, with more benefits. That's just in Silicon Valley, not throughout the country, but in general judges make less money than most lawyers in private practice.

Hicke: I certainly hope you prevail! I'd like to thank you both for your participation in this project; it's been most interesting.

VIII FEDERAL JUDGES ASSOCIATION¹

[Interview 1: July 3, 1992] ##

Background of the *Atkins* Lawsuit

Hicke: Now let's go to the Federal Judges Association, which you were instrumental in forming and in its continuing history. I'd like to ask you to start by giving me the context of the economic conditions when all of these events began to develop.

Williams: I came on the bench in 1971. And even then the federal judges were complaining about the compensation situation. As county counsel, I was frequently asked by the local judge to prepare a resolution for the Board of Supervisors urging the state legislature to increase their compensation. When I joined the federal courts I thought, "These judges are just the same, they keep bitching about salaries." Another couple of years passed, and things were getting worse because of inflation. We were not being compensated, and Congress was not about to move on it, so I said, "Why don't you sue the bastards?" They said, "Sue, good. Sure, why not?"

I did some research and found one case--I think from Kentucky--where the state constitution put a dollar limit on what the Supreme Court justices could earn. The legislature passed a bill that gave an amount exceeding what was in the constitution. It went to trial, and the trial court upheld the increase and the Supreme Court affirmed. It held in essence that 'salary' and 'compensation' were different things. That 'compensation' meant value of service and 'salary' meant dollars and cents.

Hicke: And it's compensation that's referred to in the constitution?

Williams: I said, "Our compensation has been diminished! The Constitution says Congress shall not diminish compensation and by its inaction of excluding us from the COLAs [cost-of-living adjustment] that were going to the other government employees, they were violating our constitutional rights." The other judges kind of looked at me like I was crazy.

¹ See *The Federal Judges Association in the Twentieth Century* noted above.

When I went back to a meeting in Washington--I think a special course for federal judges--about mid-seventies, '74, '75--I talked to Bill Campbell about it and he was putting on this conference. He looked at me like I had just escaped from Agnew State Mental Hospital. [laughter] He said, "Send me a copy of your complaint and I'll send it up to Harvard, where my son Tom is at law school, and have a professor look it over." So I did and he did and the professor says, "This has got a lot of merit." So he called me later and he said, "I guess you're a pretty good lawyer." I said, "Well, nobody ever said that but I appreciate it."

About the same time I drafted a complaint and talked to the state bar about it--Joe Cotchett, who was on the board of governors of the State Bar Association of California. I was moving down to the idea of having the state bar intervene and be the ones to bring the lawsuit rather than the judges. At that time it was questionable if it had standing to sue.

Hicke: The state bar?

Williams: The state bar. Later a case came down on a major ecological issue in which the plaintiff, an association of ecologists, was found to have standing to sue. So perhaps the state bar could have passed muster on standing. In any event, I sort of gave that one up. They were moving along and I didn't know if they would go all the way, but as the correspondence shows they were working on it.

Hicke: Did you drop the issue with them or did they sort of drop the ball?

Williams: I think I stopped pushing it. The other problem we had was where to sue. I said, "I could sue in state court, and of course it would be removed to federal court, and maybe all the judges would be disqualified because any federal judge would be affected by the results." In those days Stanley Mosk of the California Supreme Court used to come over and have lunch at the dining room in the Federal Building. I was talking to him and he said, "Well, there's something called 'Rule of Necessity.' And that rule is if every judge is disqualified, then no judge is disqualified, because it's more important that an issue be tried." They can go through all of this disqualification business, but in the final analysis, every issue has the right to be litigated. I looked it up and I found it to be true and so on that basis we decided we could file a lawsuit in the Federal Court of Claims.

Hicke: Let me just interrupt you. At that point did you have some sense of what was happening nationally? Were judges very dissatisfied? Were they resigning?

Williams: Yes. I sent you a book that talked about Congress's effort to get a special salary board together appointed by the president and the president of the Senate and the speaker of the House and others to make a study and a recommendation. It was called the Quadrennial Commission, and this was for congressional as well as judicial salaries and for the top Executive Branch appointees.

They wanted to do it so that Congress themselves weren't involved in raising their own salary. They set up a system whereby this group would have a hearing and then make a recommendation to the president. The president would make up his mind and announce what the salaries should be. If either house were against it, it wouldn't go through. Congress would

say, "Well, we didn't do it. We had almost all the votes but just missed it by one vote." And everybody would say, "I voted against it" at home.

The judges were concerned. We had these reports starting in the late seventies--

Hicke: And your salaries were always linked.

Williams: Congress linked them. They weren't linked by any other law. But Congress did, as a matter of fact, link them. They would raise the pay of the average government worker, but they wouldn't give a raise to themselves or to judges or to the top appointees, particularly those appointed by the president, who were called "pleasure appointments," who served at the pleasure of the president.

So we were in stalemate and it got worse and worse. There was a lot of concern. The judges were all talking about it and I said, "We'll sue them!" [laughs] That's how we got started. It was a broad concern. We weren't losing judges, they weren't resigning yet, but there was a lot of talk about doing so.

Judge [William H.] Mulligan was a circuit judge in New York. We were talking about survivors benefits but it all tied in with the treatment of judges and the compensation and other benefits. He says, "Well, you can live on a judge's salary but you can't die on one." A lot of publicity. Interesting quotation, because if he had died his family would have been left with nothing.

A friend of mine [Judge R. Blake West] from New Orleans was on the bench four or five years. He died and his wife had nothing. She had young kids, minimum benefits. He only earned 1.25 percent per year of service. So she was getting about 7 percent of his salary. She had to sell the house and go to work. We used that as an example and were able to get the survivors benefits problem considered and a minimum rate of 25 percent after one year for dependents.

Hicke: How long do you suppose this discontent had been obvious, if not simmering underneath? I know I saw a letter from Bill Campbell saying he had been involved in every one of the few salary raises that had taken place.

Williams: When I went on the bench, the salary was \$40,000. We were supposed to go to \$60,000 to be the same as cabinet members, but it didn't happen. The early seventies was when inflation started. I think that was probably about the time. They got further and further behind. I think you'll see some grass-roots group pretty far down. I surveyed all the judges first, then we did it for the ABA again. How many judges' wives had to work? They had to rely on other sources of income. A lot of judges said, "We've spent everything we've saved and we have to sell the farm," or "The wife's going to work." Fifty, sixty percent. One judge said, "I'm driving an old car. It still works. I guess I'll have to keep it. It gets me back and forth." It was a sad situation. My wife was back at real estate in this area and at the time would earn more than I would. Still a heck of a problem for the judiciary and I don't think problems like that should be left unattended.

Hicke: Whom did you gather up with you to sue? And how did you go about doing that?

Williams: About this time [Judge Samuel] Sam Conti was concerned and wanted to do something to help. This is the early eighties now, maybe late seventies. On his own he sent out a letter saying does anybody want to organize and do something about it? Not specifically mentioning a lawsuit. He got a pretty good response from that. We got the names of the judges that responded yes. He also received some donations from judges, which were then given to the emerging FJA.

Hicke: Was that after the court of claims suit?

Williams: No, before. I think it was before. I talked to Bill Campbell, and he became a co-conspirator with me. He knew a lot more judges than I did. So he was able to spread the word. Judge [Walter] Cummings, who was then the chief judge of the fifth circuit--we were organized at least--would encourage people to join the association even though the chief justice was against it. I'm just trying to think when we actually got the plaintiffs.

Hicke: 1976 was when the court of claims suit was rejected. We have the names of the people. You got Arthur Goldberg too.

Williams: That was an interesting story, how we got Arthur Goldberg. We were looking around for a lawyer and I was talking to Bill Campbell about it. Arthur Goldberg was retired. He was defeated in his run for governor in New York and was practicing in Washington. He would come out to Santa Clara Law School or Hastings [College of the Law] or other law schools around the country and hold seminars and talk about the Supreme Court and how they functioned and Supreme Court problems.

About this time I interviewed an applicant for law clerk named Judy Ledbetter. She was a very outstanding student and had been the editor of the Law Review for Hastings and also served as Arthur Goldberg's clerk when he was giving his lectures at Hastings. So I got a letter of recommendation from Arthur Goldberg after I had selected this young girl. I wrote a letter and said, "Dear Justice Goldberg, I appreciate your letter concerning Judy. Even though I've read the book"--and I was referring the hatchet job the Rockefeller did on him when he was running for governor of New York--"I have offered her the job." The next time he came in he called me and we got together for lunch, and we would get together occasionally thereafter.

This thing was brewing. He was very concerned about the judiciary and was interested in the idea of a lawsuit. So I said, "Would you represent us?" He said, "If I think it's a valid lawsuit I'll do it."

Hicke: A valid lawsuit?

Williams: If it would fly. If it was enough authority that we could maintain it.

We had to draft it, and a month later he was at a seminar down in Santa Clara. I said, "I have the draft of the lawsuit, can I come down and talk to you about it?" We had lunch at the Hyatt--it was called the Caravan Inn, but now it's a Hyatt--at the intersection of First and Fourth Streets up near 101. He looked at it and he said, "That's a good suit, I'll do it. Pro bono." "Wow, pro bono?" "Yes, pro bono, absolutely," and for no fee.

He went back to Washington and got some young lawyers that had clerked for him involved in it--and one is now the chief judge of the First Circuit--so he worked on it and Bill Campbell recruited Kevin Forde. Professor Stephen Brewer also agreed to assist. They came into the lawsuit. So we had a nucleus of lawyers and we had our head counsel [Kevin Forde]. We went from there.

Hicke: How long did it take before the court of claims came down with a ruling? Was it a matter of months or a year?

Williams: Almost a year, I think. I think I told you about how it was named Atkins v.-- I'll tell you again!

Hicke: If you would, since we want it on tape! [laughter]

Williams: I was supposed to be the flak catcher. Tom Wolfe wrote a book about flak catchers. I'll be the flak catcher, I'll catch the hell and then the circuit judges who would join us will be listed by seniority and the district judges who would join us would be listed by seniority.

I was talking to Clyde Atkins, whom I had met during a seminar in Florida on law on economics--he was from there. I said, "Come on join, Clyde." "Oh no I can't join. My name will be in the paper and they'll go out and take a picture of my house and write a story about how I want more money and my wife will get angry. I'll probably get divorced if I did it." I said, "No, you'll be way down at the bottom. I'll be number one of the plaintiffs on the case to catch the flak, and then the other guys will be listed by seniority." "Oh, okay." I have a copy of the complaint drafted in the files with me named as number one plaintiff. I took it to the Court of Claims and they said, "When you have multiple claimants like this we have to have them in alphabetical order." So Clyde ended up number one in the Court of Claims case. [laughter] I got hell for that!

Hicke: That's a tribute to your persuasiveness, if nothing else.

Williams: Now he's down in history as the lead in that case. There were three cases filed simultaneously. We had I think about 116 plaintiffs overall.

Lou Bechtel from Pennsylvania was our lead plaintiff in the second suit.

Hicke: I wanted to ask about that. Who was he? That was a different case but they combined them?

Williams: Same case. I think it was exactly the same lawsuit. I'm not positive about that. They related them all.

Hicke: I saw in the documents that they had combined those two suits.

Williams: I think what happened, more guys wanted to get on board and one suit followed another suit and another suit. I recall there were three suits. They had, I think, a total of 116 judges overall. That's the figure I used in my letter to the Russian judges. That's my recollection, about 116 altogether.

Hicke: Somewhere I found something that said 144 judges filed suit.

Williams: Oh, good, I probably miscounted then. I just didn't tally enough.

Hicke: Let me interrupt again and go back to 1974 when you began talking to the state bar. I also have *Brent Able v. William Simon*, the U.S. Treasurer. What was that about?

Williams: Same thing.

Hicke: It never was filed though, is that right?

Williams: No. We talked about who would they sue. They would sue the Secretary of the Treasury, probably. They said, Well, it's a claim against the federal government, so you have to go into the Court of Claims. That's what our lawyer said. So that's when we went to Court of Claims. Later, what was filed in the various cities, same case, was attacking the constitutionality of a statute. That happened afterwards. After we lost that suit or one contemporaneous with that, Congress rescinded a pay raise we had.

Hicke: This was in 1976 after the Court of Claims suit?

Williams: That was the basis for going into district court and suing on the constitutional question.

Hu Will Case

Hicke: Let me back up, because I interrupted you. At that point Congress passed a new statute, did you say?

Williams: What happened was that Congress passed a statute--and I've got better documentation than this--for giving a COLA--cost-of-living adjustment--to every one. It went down the track and we were included. On the last day of the fiscal year Congress debated it. It went into the early morning. The next day they reconvened and rescinded it for everybody because of the political implications and the budget problem and so forth. We said, "You can't, it has become effective. You can't." They said, "Well, you haven't earned it yet. Until you've earned it we can do it." So we sued on that basis in federal district court that they had violated the Constitution, because under Article III they can't diminish our compensation.

Hicke: This was the first *Will* case.

Williams: That was *Hu Will* case, right. There was *Hu Williams* case in San Francisco and another case in Los Angeles, and we had different cases filed simultaneously. The Justice Department said, "We want to have them all in one place." Kevin Forde at this time hadn't participated in this case officially. We said, "Let's put it in Chicago where our lawyer is." So we voted Chicago where *Hu Will* had filed the suit.

Conclusion of Atkins

Hicke: And then what happened to that one?

Williams: Well, let's go back to the Court of Claims case. The court rejected the idea that Congress had a responsibility to keep our compensation up and on a second count, ruled that the system gave the president the power to set the salaries, and that either house of Congress could repeal it, could knock it over. We argued that this was unconstitutional, because you can't have a one-house veto of the president's action--both houses have to act to legislate--and that this was in effect legislation.

The Department of Justice intervened on the theory that the one-house veto was unconstitutional, and it was, and a couple of senators joined the case to persuade the Court of Claims that it was unconstitutional, because they had many pieces of legislation pending on whether or not they could rely on this one-house veto precedent. They had a matter in the Immigration Service, they had one in a certain grant of agricultural benefits. They had 15 to 20 cases which involved this theory. This was another Arthur Goldberg addition to the lawsuit: he said, "There are so many times this has happened and it has never been challenged. We can put that in there because that's what they did for judicial salaries and congressional salaries and so forth."

So we litigated that, and we were turned down on that one by the Court of Claims. We heard that the court was in favor of our position on that one, but it was lobbied to the contrary because it was too political to attack an act of Congress. Later the issue did come before the Supreme Court in the *Chad* case, which challenged the application of the one-house veto theory in an immigration matter. The Supreme Court said, "No they can't rely on a one-house veto. It has to be both houses." So we were ahead of our time. If the ruling had been retroactive, we'd have won even more back pay.

Hicke: Did you consider appealing that?

Williams: We went to the Supreme Court with it and they could take cases from the Court of Claims like they can from the circuits. They declined to take it at that time.

Hicke: Denied certiorari?

Williams: That was the Supreme Court that denied certiorari. That was where it was and so we lost that case. Judge [Anthony] Tony Kennedy decided in the Ninth Circuit that *Chad* case. He wrote the circuit opinion on *Chad* and the Supreme Court affirmed it. So it came from the same direction. He had been a member of the FJA at one time, but the reason he acted that way was just coincidental.

Conclusion of Will

Williams: Getting back to *Hu Will* case: We tried it and we won. They had assigned it to a new appointee, a judge who was not a member of the FJA. He tried the case and ruled in our favor. It went to the Supreme Court directly, because it was a question of the constitutionality of a federal statute and could go right to the Supreme Court.

Hicke: This was the same grounds you sued on--decreased compensation?

Williams: Yes. That and the fact that the law had gone into effect and it was an actual repealing of a statute that would have given us a pay raise. We couldn't say that in our case in the Court of Claims, because they hadn't repealed the statute. And there were several other theories. We had a five-to-four decision on our strongest point, stronger than this one and went back quite a bit.

The chief justice wanted to have a unanimous opinion because he didn't want the court divided on the question of judicial salaries. So he lobbied around and finally got the unanimous consent. So we won that case by unanimous vote in the Supreme Court. Most sitting judges got between \$10,000 and \$12,000 in back pay. Plus assurance for future pay increases.

Hicke: What were the various stages? There's the first, second, and third *Will* case, I think.

Williams: No, there was just one *Will* case. The first litigation we brought was the *Atkins* case. Later we intervened in the case where Senator Humphrey attacked the constitutionality of the salary process established by congress. We intervened in support of that case which was against the secretary of the Treasury.

Hicke: What case was that?

Williams: *Humphrey v. The United States*, which challenged the process by which the members of [Quadrennial] Commission were appointed. The process was upheld by the district court in Washington, and I don't think it went any further than that.

Hicke: What were the issues?

Williams: The process of granting salaries by having the commission make a recommendation to the president, the president to the Congress, and having both houses at that time adopt it. He was attacking the procedure because he was against any salary increases. He was on the no-salary-increase side.

Hicke: Okay, we've got *Hu Will* case settled and that occurred in 1979. The next thing that happened was that meeting in San Diego? I should ask you, what happened next? December 15, 1980 was when that happened.

Williams: Two things happened. One thing that is not particularly pertinent to the development of the FJA but I thought was interesting about the case: there was a question where Congress asked

the Supreme Court what they could do with the money until they decided how to allocate it. They were arguing that all the judges appointed after the act of congress was declared unconstitutional wouldn't get the benefit of it because they weren't there when it happened and their rights hadn't been violated. So our lawyers persuaded that Department of Justice to include everybody and then we tried to get them to give us the money, because we were entitled to it, before they decided how to allocate it. We said, "We will hold the money and once you've decided how to allocate it, we'll allocate it that way."

Hicke: When you say "we," you mean FJA?

Williams: No, I mean the plaintiffs in our case. We wanted to persuade the attorney general, President Jimmy Carter's attorney general, and it was about the time for Reagan's inauguration. Carter's attorney general was Benjamin R. Civiletti. He had been out to the Ninth Judicial Circuit judicial conference the year before that and I arranged a golf game with him at Cypress Point. He and I and my wife and his FBI agent played at Cypress Point. He was a good golfer and it was kind of fun.

So I went back to see him; and my wife was with me going to [President Ronald] Reagan's inauguration. I called Civiletti and said, "Can we see you? I want to see about this case." He said, "Sure." I said, "I'll be back for the inauguration." He said, "Come in the day before. I'll look at my calendar and see if we can fit you in." He called a few days later and said, "Anytime."

We went back and when we came into Civiletti's office the Justice Department lawyers are sitting there and our lawyer Kevin Forde was there. Kevin introduced us to the Department of Justice lawyers. The secretary then informed Civiletti that we were all there, and when he came in he said, "Hi Spence, hi Kay." The lawyers looked distressed. We went back into the chambers and Kevin said he told the Justice Department lawyers, "Well, if you think he knows Attorney General Civiletti well, he knows William French Smith the nominee to replace Justice Civiletti a hell of a lot better because he was in California when Reagan was governor." That really made them feel even worse.

Hicke: Where did William French Smith fit in?

Williams: William French Smith was the Attorney General designate, the new attorney general. He was Reagan's personal lawyer. So I knew him when he was with Gibson, Dunn & Crutcher Los Angeles. I knew him before politics and during politics and after politics. Ben Civiletti said, "I think I'll leave this to the next attorney general. It's more important. I shouldn't decide these things my last day in office."

I talked with William French Smith and he said, "Sure, you guys hold the money." So we deposited it. We earned enough money in interest on--

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Williams: --from the interest to pay the attorney's fees. The attorney's fees was another situation. Then we had the meeting of the plaintiffs in San Diego after that. First we had to talk about attorney's fees. Kevin Forde and Rich Prendergast put their fee at \$60,000. I said, "Kevin,

you've got to be crazy. That verdict is worth--I grant attorney fees and you're worth \$4 or \$5 million at least." "Oh no, we won't do that." "Come on, we have all these millions here right now plus the benefit for the judges in the years ahead is fantastic." "As a matter of conscience, I won't take more than \$60,000." "How about \$95,000?" "No, we won't take \$95,000." We said, "\$90,000." He said, "Well, okay, we'll take \$90,000." Later I was talking to the chief justice about this and he said, "Gosh you paid those guys a lot of money." I said, "That's the cheapest attorney's fees I've ever seen on a verdict that high." It was. They did a fantastic job.

Hicke: What was the chief justice's feeling about the suit?

Williams: By that time he was much more congenial. He was never personally antagonistic to me, but he was opposed to the association.

Hicke: What about the suit?

Williams: He was opposed to it. He couldn't do anything about it, because of course the suit was there. He thought he could solve the problems with Congress and we didn't have to sue.

Hicke: Did he attempt to dissuade you?

Williams: No. He didn't

[tape interruption]

Forming the FJA

Williams: After *Will*, we were getting ready to organize.

Hicke: The meeting up at Michigan?

Williams: University of Michigan. That's when we had won *Hu Will* case and we were talking about forming the association. I'm not there yet, because now we are at the meeting in San Diego.

Hicke: That was the first one.

Williams: Yes. That was when we talked about the fees.

Hicke: That was in January and then it was in July that you met in Ann Arbor. What happened in January?

Williams: In San Diego, that's right. The plaintiffs got together--

Hicke: At your instigation?

Williams: Yes. We invited them all out there. Hu Will couldn't come but he was there by telephone. We had Jack Gordon there from New Orleans and Tom [Thomas] Platt was there from New York. Most of the plaintiffs were there. Jim [James] Browning sat down with us and Irving Hill from LA, who was one of the plaintiffs, was there. We sat down and talked about what we were going to do. My invitation to them you have in the file.

I said, "The chief justice wrote the opinion and told Congress how they can do this forever in the future by learning to stop us before it goes into effect, then we're dead². We have to learn to get along with them. What shall we do?" So at this meeting we decided that we should consider forming an association. We sent word to everybody, at least to all the plaintiffs.

Hicke: At this meeting was everybody in agreement?

Williams: Yes, I don't think we had any dissension. They asked me to hurry. Hill said, "Well, you're the leader in the lawsuit, why don't you handle this question?" I said. "Okay." So I went to the American Bar Association meeting in Chicago, which was shortly thereafter, and I met with the board of governors of the Conference of U.S. Trial Judges, which was another group of federal judges that was formed as a segment of the American Bar Association.

Hicke: Were you a member of that too?

Williams: Yes.

Hicke: What was the purpose of that organization?

Williams: To work on broad legislation affecting the judges. If we were part of the ABA, we wouldn't be able to do anything without going through the ABA hierarchy for approval.

Hicke: Did they have any effect on the salary legislation?

Williams: They allowed their members to become members of the FJA, but they were set up under the ABA sponsorship umbrella and I think you'll find them in here. [pulls out papers]

Hicke: And their agenda was different?

Williams: It was. They had a narrow focus. They usually have the president write something for this magazine³. We are actually part of the hierarchy of the ABA. In the one before I did this last, *In Camera*, I mentioned Judge Sobel's excellent article in here.

Hicke: My main purpose in asking you about it is I was wondering why you couldn't go through that organization rather than forming your own.

Williams: Because they couldn't do anything without getting permission of the ABA board. We didn't want to be tied up to that. We also had a very narrow focus. Chief Justice Rehnquist said

² Refers to Congress stopping the annual COLA.

³ FJA newsletter; it is called *In Camera*.

afterwards, "The way you organized this there must have been dissention in the ranks." I said, "No, we don't have any. We're talking about salary and benefits for the most part." We usually get 99 percent approval of what we're doing--maybe not how we do it. It's very narrow focus. One concept is that we are dealing with our friends in Congress primarily and you can only go there so often without becoming a pain in the neck. We want to keep our contacts and our lawsuits to the minimum so we won't overtax our friendship with the people we know in Congress.

I did go back there and I met with the board and all the people attended in Chicago and we got some of them to agree to help out and some joined us and helped get people lined up. We sent a mailing out to every Article III judge, I think. I think that's probably in the file. We were thinking of forming the FJA. We did get a response. Automatically, because the chief justice was against it a certain percent, like 15 percent, were for it. If Burger was against it, then you fought no matter what it was. So we had a nucleus there. [laughter]

[William] Bill Weller who was in the AO's office was very much in favor of it. I went to him one time and said, "We're not doing too well. We probably need to get a certain number to sign up and we're not there yet. If we don't do it we'll send all the money back." He said, "Don't stop. Keep going; we need you." I called him. He said that he didn't want to say too much because he was talking confidentially to the chief justice at that time. He couldn't reveal a lot of things that went on over in the chief justice's part of it.

Hicke: But on your side he was encouraging.

Williams: Very encouraging. You might want to call him and ask him some questions about it. He's now assistant counsel for this committee that's called Judicial Discipline and Removal. He won't want to discuss any of the details of it. I remember what happened, what the problem was and about the formation but--. He won't say much. Understandably so.

I told you this one: no one's produced a copy of the letter yet, but the chief justice wrote me a letter about the FJA discouraging us from going forward with it. He came up with a press release. He addressed it to: new assistant court judge Spencer Williams, San Jose, New Mexico. I got it. I got it in the mail, but I lost it. Some of my files were destroyed and that piece of history is gone. [laughter] It's not his fault, it's the staff's fault.

Hicke: The West is still unknown.

Williams: I was born in the East and didn't come out here until I was 17. There used to be a map I saw of the Easterners' view of the United States. There was Chicago, the Atlantic Coast, and a couple of counties in Ohio, and the Midwest, and then there'd be the Great American Desert. And then there's Hollywood occupying about half the coast. Then San Francisco up here and up here more wild country and I think Seattle. That was it.

Hicke: That's great! In my history courses in the Midwest, the great Westward movement was crossing the Appalachians.

Williams: When I was about fifteen, I went to Cleveland for the national high school band contest with the high school band from Port Washington, Long Island. I was way out West in Cleveland.

Hicke: Speaking of that, let me just ask you. Did you notice any difference in the national organization? Was there any difference you being a westerner?

Williams: Didn't seem to be.

Hicke: They didn't think of you as being an agitator from the West?

Williams: Probably. [William] Bill Orrick, one of my judges, came back from Washington and said, "They refer to you back there as Spencer Hoffa." "I said, "Come on!"

At the meeting in Michigan, Ann Arbor, after I made the presentation--first they almost called the thing off because we were going to go there and talk about this association and that wasn't on the agenda and Congress might rescind the funding because we were using government money to handle lobbying matters and all that sort of stuff.

I called the chief justice's administrative assistant and said, "We have First Amendment rights, too. If we want to talk to Congress we can do that. We're not going to meet during the hours set aside for the conference. We'll meet on our own time." So finally they didn't cancel it.

Hicke: And they did fund your travel expenses and so forth?

Williams: To go to the conference, yes. They were going to hold that off too. That was a big threat. Sam Conti and I had these handouts to say there was going to be a meeting after the session. They weren't even going to let us meet in the same building! I said, "Not the same room, but another room?" So we had a different room and not the same room that they had rented. Sam Conti was out passing out these leaflets like a union organizer. [laughter]

We went and we discussed it and talked about it. Irving stands up and says, "I want all you folks to know that Spencer Williams is not a wild man. He's a Reagan conservative-type. At least moderate." Not so! He helped assure people that I was not some crazy guy out of the West. It went very well. We had one meeting in my RV [recreational vehicle] and there were about six of us. Before this meeting, we went into a Denny's restaurant and got some food and sat in the RV and talked about it.

Hicke: So you were sure it wasn't bugged! [laughter]

Williams: We were sure it wasn't bugged. So we had this conspiratorial meeting. I can get the names. Betty Fletcher was there and Diana Murphy and myself. I think Jack Gordon and Sam Conti were there. And others. [Possibly John Singleton] I'll try to remember. We got a good response there.

Hicke: What actually got done in your RV?

* Refers to Jimmy Hoffa, labor union agitator.

Williams: We talked about how we were going to approach the thing. Planning. We were expanding our planning group beyond just a few of us. They said, "Come on, let's go with it." [At the Ann Arbor meeting we decided to go ahead when we got eighty members.]

Hicke: So then you had the general meeting.

Williams: Some of those were the ones I met at the ABA meeting in Chicago. This came after that. We kept enlarging the group. When we had 150 to 200 we decided to incorporate. I asked for volunteers and Diana Murphy volunteered to serve on the board and Betty Fletcher agreed to serve and we had the first board meeting there. We flew in and we met at the hotel at the airport in Chicago and went through all the business.

Hicke: This was after the Ann Arbor meeting.

Williams: Yes, that's the actual formation of the FJA. I'll give you some dates. I have my calendar.

[looking through calendar] If the Congress ever interrogates me if I have any notes I'll say no. This shows the FJA first board meeting, May 15th, 1982.

Hicke: Hill's transcript in his exhibits has a letter from Warren Burger opposing this in 1981. That probably wasn't the one you received, but he must have received it.

Williams: He sent everybody letters. He included a press clipping from the *Washington Post* saying, "Don't do it."

[back to calendar] I first started keeping this in February '78. All my golf dates are in here. I went to some multi-district conferences to talk to people about it. I'm not sure I have talked about the multi-district conferences--Jackson Hole, Washington, Palm Springs.

Hicke: I have Palm Springs. We're in '78 now. I have November '78, Palm Springs meeting.

Williams: November 29th, 30th, and December 1st.

Hicke: The next thing I have is March '79, Key Biscayne.

Williams: That was a law and economics meeting

Hicke: There was a vote taken to form the FJA.

Williams: It wasn't called FJA then. I don't think they called it the Federal Judges Association because I coined that term myself. It was an association of federal judges.

Hicke: There were apparently two tracks. That was the other track. So in '79 and late '78 you were talking to people wherever possible.

Williams: I went to Miami again in April '79. And then went to a meeting in Sea Island [Georgia].

The judicial conference in Sun Valley was when the chief justice spoke to the wives about salaries.

Hicke: Were you there?

Williams: I wasn't at the meeting. My wife was. I heard about it. It's reported in Irving Hill's writings.

Hicke: Do you have any different perspectives?

Williams: No. I knew we were all talking about salaries. That was July 22-26th of '79.

Hicke: Let's stop at the San Diego meeting, because I have a couple more questions.

Williams: Winter Conference Workshop, 9th Circuit Judges, San Diego. It was January 21, 22. I came back from inauguration and went right to San Diego.

Hicke: You told me the plaintiffs were gathered and you said Hill was there too.

Williams: He was one of the plaintiffs.

Hicke: I have some idea that these two movements actually came together at this meeting.

Williams: What happened was that the plaintiffs were there. We said, "What are we going to do?" Irving said, "Form an association." The bulb went on at that time. We didn't know where we were going to go. We'd won the lawsuit and we knew there were going to be continued problems. I sent out a letter, saying "The chief justice has shown us the road map of how to do it in the future. So we've got to do something about it." Let me get that case. [ruffles through more papers]

Jim Brian was there. He couldn't join the association so got off that special commission. He didn't join for quite a while. Irving was there and [Laughlin] Lock Waters was there—he was a plaintiff.

Hicke: I'm mainly trying to figure out how it all worked out. What about the alliance with the Sixth Circuit?

Williams: They were trying to set up an association. We met with them. Charlie Joiner was involved in that. They were much broader. They had about \$7,000 in the treasury too; they collected dues. Charlie and I went back to talk with the chief justice about the whole concept, and it was a nice meeting, but nothing really came of that particular meeting, as far as I recall.

They were kind of scared off by the chief justice's strong opposition. They wanted to have things like educational programs and a lot of broad stuff. We said, "That's already being done now. We want to stay on this one focus. Salary and benefits, that's the main thing." They said, "We'll join with you and we'll give you the money we have." They didn't, I don't think. We never saw it. I corresponded with the treasurer, Judge Thomas. They were supportive and they mostly joined up.

They discussed it at Michigan too, at the University of Michigan. We were driving to the airport from the meeting, Judge Thomas and I, and we discussed it. They went along with our association and they came up with theirs.

Hicke: Were you part of that committee that met with the California Judges Association?

Williams: Yes. Sam Conti and I--. Irving Hill and I met with Judge David Eagleson. A long time before the state bar was handling law education programs, they formed a state judges association, because they were handling some special education--

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Williams: They were handling a broad spectrum of services for judges. I think they had an insurance program and they did other things. We were formed so late in the evolution of this organization type that we wanted to focus on Congress and the problem of salaries and benefits and the judicial conference of federal trial judges, and the ABA had the broader spectrum; we didn't want to duplicate their efforts.

We had a lot of the same members. I made a comparison between in World War II we have the 5th Fleet in the Pacific and we had the 7th Fleet. The 5th Fleet was under [Admiral William F., Jr.] Bull Halsey, and the 7th Fleet was under [Admiral Raymond A.] Spruance. Otherwise, the 'different' fleets consisted of the same battleships, the same carriers, everything, they just changed the name of it and carried out different operations. Halsey's were primarily carrier operations, making raids and that sort of thing. Spruance's involved more landings and bombardments. It sounded like two fleets but it was really one fleet.

I said, "You can have the Conference of federal trial judges--they're the same group, different name, different organization--they can do one thing. You can have other groups formed for other purposes." Our association has one focus. They can mingle membership, and they do.

So we decided in San Diego that we wanted to be independent of ABA, because we didn't want to be tied up with going through their procedures to do anything. We didn't want to be connected with the administration, because there also you have to clear everything with somebody. We figured our board of directors can act--boom--and do things. So we were going to be very narrowly focused. If a guy wanted to do something else he could go to another group and be just as active, but not through the FJA. It was important to do that.

We discussed that at the meeting of the Conference of Trial Judges in Chicago, that we wanted to stay narrow focus--you don't get much dissension.

One time we did it on the question of whether the bulk of judges should be Article III. A lot of people wanted that.

Support for the FJA

Hicke: At some point along in here you enlisted the support of Senator Paul Laxalt. Was that crucial?

Williams: What happened was I met him when I was county counsel and he was district attorney of Washoe County, one of the counties in Nevada. We had our convention of the California District Attorneys Association, and we had our conference up there at South Lake Tahoe. We invited him over and I got acquainted with him then. He became a senator and was very close to Reagan. He was governor of Nevada when Reagan was governor of California and they worked together. So we had some mutual friends. We had a conference of judges and he was there.

Hicke: Was that at Jackson Hole?

Williams: I think Jackson Hole, yes. After a meeting we got together in the corner and I said, "I'm Spencer Williams." "Oh yeah." "We're having this thing." "I think it's a great idea." And so it went on that. He remembered me and we talked a little bit about other friends we have, mutual friends. I wrote him a letter and asked him and he wrote back an encouraging letter, so we figured that he would be helpful with President Reagan, and he was.

Hicke: And then the Administrative Office was helpful or of two minds, depending on who you talked to.

Williams: They were of course pretty much under the domination of the chief justice. They were trying to stay out of it but Bill Weller was very helpful and he was in the Administrative Office.

Hicke: He was still encouraging you?

Williams: Oh yes. He said, "Don't give up." The former head of AO, I forget who it was, was not about to stick his neck out. He certainly wouldn't support us officially because of the chief justice.

Meetings and Incorporation

Hicke: The next date I have is December in '81 when you wrote a letter to say, "We have now reached our goal of 200 members and have decided we're going to go forward with this." Do you have anything before that?

Williams: [more going through calendar] Here's the March '81 agenda when I went back to Washington, D.C.. I met with Bill French and then I had lunch with [Edwin] Ed Meese. Then I met George Bush. He came in and said, "Hello. I want you to see I'm here. I'll give you my time." We said hello. He's a friendly guy. We shook hands. "I want you to see I'm here."

There was a time I was meeting with Chief Justice Burger, a little later--I told you about that.

Hicke: Yes, March 18 of '81.

Williams: I saw McCloskey and Senator Ferguson and then I went to dinner at the Jockey Club. Then finished my assignment in this trial lawyers function. [more going through datebook]

Hicke: Was that one of the meetings we talked about? The one when you met Senator Laxalt maybe?

Williams: Yes. This was on the way to the antitrust seminar. We had an RV. We went to the judicial conference in Jackson Hole. I left on the 25th of June. From the conference we went down to Lake of the Ozarks, Missouri for a family reunion. Then we went to Chicago and flew up to Kingston, New York to see my mother, who was very sick. Came back to Chicago and then went to the antitrust seminar in Ann Arbor. I have Federal Judges Association meeting on--I think we had the meeting in the RV on the 28th.

Hicke: I have the agenda for that meeting and probably the minutes too. I have a note here that one of the things you wanted was minimum media coverage. You wanted to keep a low profile, partly because of the chief justice and partly because it was just a matter for judges.

Williams: What you usually do on that, you file so it comes out in a Saturday publication. It's news on Saturday morning and nobody gets around to it and it's too late on Monday. That's the strategy I learned. When we filed the *Atkins* case we did that too. That was Arthur Goldberg's advice. We did it that way so that then when it came up later it would be too late, and so it just disappeared. So I just did the same thing then.

January 21st, 22nd, 23rd [1982]. That was for the bar association meeting in Chicago. I met with the board of directors at the Conference of Federal Trial Judges. They always went to the ABA meetings. They had one in San Francisco a couple of weeks ago.

Hicke: I have the FJA organization "approved." Who was that approved by?

Williams: I guess by the people there [at the Chicago meeting]. I think they looked very sympathetic and they were going to join us so we'd have two separate organizations and I probably already talked about the two fleets too! [laughter] So they approved the concept. Then we organized from there. We had the Judicial Workshop in San Diego after that meeting.

Hicke: When was that?

Williams: 26th, 27th, 28th, 29th of '82.

Hicke: You went to Chicago on the 14th of May and you had the meeting and that was the first meeting of the Federal Judges Association?

Williams: That's when we incorporated. We wanted to incorporate and we signed all the corporation papers.

Hicke: Was that a meeting of the board?

Williams: Then the board was elected.

Hicke: So who was at the meeting? What's the board, in general?

Williams: We met that morning and we did everything, signed the papers and were incorporated and off and running.

Hicke: And you were elected president?

Williams: Yes.

Hicke: By acclamation?

Williams: Yes. [laughter]

Hicke: The other officers. I have Solomon Blatt, vice president, Tom Platt, secretary, and Betty Fletcher, treasurer. Were there any particular reasons--

Williams: No big contest. They probably volunteered for that and agreed to take that responsibility and then were elected.

Hicke: For the rest of that year all I have is that the bill of survivors' benefits was one of the things that you concentrated on and it was backed by Senator Robert Dole.

Williams: Yes. [consulting calendar] I see reception for Congress. We had a board meeting, we also had a special meeting--which we haven't done since and we probably should--a special meeting with chief staff people. We invited them all to lunch on the Hill. Didn't talk to them, just lunch.

Hicke: 1986 was the first annual conference of the FJA.

Williams: All judges, yes. We had several board meetings between annual conferences. When we were having a board meeting on the Senate side not very far from the main Senate chamber where they were impeaching the federal judge from Nevada--they were having the final vote for the impeachment; we were having a big celebration. [laughter]

Hicke: He wasn't celebrating.

Williams: No, he wasn't. Conference call. We do a lot of business on conference calls.

Hicke: Between the officers?

Williams: Yes. Under our constitution, the FJA can only act on a unanimous vote of the executive committee or a two-thirds vote of the directors or a majority vote of the membership. That's really built-in restrictions on doing something crazy with a few people. We thought we'd build in that conservative approach to things.

Also we can't take any position in opposition to Judicial Conference U.S. until we try to reconcile any conflicts with them. We're free to do it, but we've built in this--. We're not going to go off into deep left field and do some crazy thing. You can hardly get a unanimous vote

out of a bunch of judges anyhow on anything. They all have strong opinions about things, and it would be difficult.

Hicke: Sure.

Williams: There was an FJA meeting in March of '84.

Hicke: In that year I have that the salary increase was enacted for all Article III judges.

Williams: That was a long hard struggle, but that finally went through.

Hicke: Do you want to tell me a little bit about the struggle, or do you want to finish going through your calendar?

Williams: That reminds me, we had a board meeting of FJA in April 15, 16, 17, 18. We always have a reception with Congress. One in the Senate side and in the House side, back and forth. We invite all Congressmen and their staff.

Hicke: For your annual board meeting?

Williams: Yes. Every year. The chief replaced Irving Kaufman with Judge [Frank] Coffin from Maine. He immediately contacted me--.

Hicke: This was a judicial conference committee we're talking about?

Williams: It's the ABA committee that they were working for. It was basically in conjunction with an association but the committee went forward and they were talking about Coffin being chairman and he couldn't do it, so they got Irving Kaufman to do it and he did nothing. He just wrote letters (we called them Irvinggrams) to say all the great things he was doing but he never did a damn thing. He opposed us like crazy.

In fact, one time I testified at a committee meeting at the same time he did on behalf of the judicial committee of something-or-other, I guess for survivors' benefits. He put out a big letter that he testified. He didn't mention that I had testified, he just mentioned people that he had been invited to testify. So I sent a letter out to all the judges. I said, "Oh, Irving forgot to mention that I testified there, too." The FJA was there supporting it.

So when Irving Kaufman was replaced by Frank Coffin, the first thing Frank Coffin did was to give me a call and say, "I want you to come and sit on our committee, ex officio." That really put it together, when he recognized our association. He had been a congressman at one time and he had also been an official officeholder in Washington in one of the departments, appointed by some Democratic president before Carter. Maybe [John F.] Kennedy. So he had experience in the executive branch, judicial branch, congressional branch.

He was a help. He wrote a book about this sort of thing, generally about the role of the judiciary. One thing he says, and I quote him, "There are too many judges that think that the separation of powers mean that you can't talk to your congressman, and that's not true. Congressmen want to hear from you and there's nothing wrong with a judge talking to a

congressman. Separation of powers involves business, but we have to get along with congressmen."

After that he said, "Get the FJA involved in this thing!" And when I went out of office as president of the FJA, he invited my successor. And when Fletcher went out, the new chairman, he was doing the same thing. Betty Fletcher sits on the committee. So it was really an important part, I think, in the success of the FJA--the recognition of being included in that and having a chance to work with them.

Now the AO calls us and we call them and we share a lot together. But we're still really independent so we're not just a handmaiden of the officials. One good thing is that we can do things right now and if Congress doesn't like it the chief justice can say, "I can't control those guys. They're appointed for life just like I am. They're not official. Don't blame me for what they do." So he can pass it off on us. It makes a real neat deal.

Network Committee

Hicke: Since we're on the subject, why don't you tell me about the network you established.

Williams: Okay. We started out--we aimed at Congress for this--and we said, "You know what we said before: do you know anyone in Congress that you can talk to?" And we put those names down on a list, who they are and what committee they were on. We got a pretty good response. We had a 4" by 6" card file and we had the cards arranged by committees, particularly the one that we were concerned with, the judiciary committee.

The theory was that most judges previously were in public life, either as elected officials or candidates or well known as a practitioner and they were acquainted with their congressman. They had to go through confirmation process and be confirmed by the Senate, and the senator from their state had to accept them; so they usually knew the senator of the state.

The original theory was that if we had a key vote, if we could find that one of the federal judges knew that person and was confident in talking to them then the FJA would finance his trip back to Washington to meet with our coordinator and get properly tuned in on what this issue was and what our position was and then he could go and meet with his congressman and maybe take our coordinator along and try to persuade him that there was an important bill for the judges and that it was important for the country.

It's getting even more formalized now. We have constant lists of the chairman or the head of the Network using the same theory--who knows this judge, who can talk to that guy. We have some judges--. One judge is a brother-in-law of ex-Senator [Walter] Mondale and another guy who went to law school with Laxalt, one of our judges from up in Seattle. A lot of cross-connections that way. I know our two congressmen and the senators and Lock Waters knows so many of them. Lock went to college with one of them.

So if we can identify them and they're on the right committee and we need their vote, we have an entree. We don't have the money to finance or contribute to campaigns. We don't have the numbers to be an important vote. All we can do is figure that we can give information to a congressman that may persuade them on a vote. And it's been working very successfully.

Hicke: Where is this card file maintained?

Williams: Now Owen Panner is the head of it. Diana Murphy was the head of it.

Hicke: Oh, whoever is the chairman of the Network Committee?

Williams: Each circuit has a chairman of the circuit who is supposed to have a person in every federal district that can keep the FJA going. They get the names and keep them in one place. The system, I guess, would be that they'll call all the circuit chairmen and say, "Get people who know some of these people." Or they'll get two of them and ask them to make the calls. You have to be careful, you have to go through their 'savvy,' because they could get caught in the middle of something that they were not aware of.

Hicke: Can you think of some specific instances where this was really helpful?

Williams: On survivors' benefits, Jack Gordon had a law partner, Fred Cassabry, who knew Senator Heflin very well. He contacted Senator Heflin when he knew about the local problems that would be important to the senator. The senator could become involved in ways that helped solve the problem and enhance the senator's standing in the district.

There was another one where we were able to really get home to a couple of congressmen. Because they knew the person they knew the problem, and that brought it home to them. So it works very well.

In Congress--people are surprised--Congressmen love to hear from the judges. They really do. When you invite congressmen to a luncheon in San Francisco or here or anyplace, they love to come and chat with us. We're voters and it's good to take them down to the clerk's office--there are a lot more people to meet. So they're making a public appearance and they like to know what we're thinking about law and order and that sort of thing. They think law and order's big stuff. It is, but they like to play on it, which is fine.

Hicke: These judges are influential members of the community. Not just voters.

Williams: Sure they are. Right. They are very receptive. They went back to see Campbell, had a nice meeting with him, and Ed Zschau had his picture taken with me. They open up doors for the judges and they are very cordial. It's helpful. We have been phenomenally successful at what we're trying to do.

Hicke: How did that idea come about?

Williams: Just plain logic. I had been in politics myself.

Hicke: Sort of your brainchild?

Williams: I think I'm the first one who said, "Find out who they know," because I was running the whole thing out of my back pocket. We had to know who was important. So we sent a questionnaire out to all of our judges. I think it's not unique. I think any group that's interested in legislation wants to know who in their group knows who in Congress. And then say, "Can you talk to them?" Sometimes they're pretty shy. So the first time they're so overwhelmed that the congressman is, "Hey, glad to hear from you! This is terrific. Come on in." It's fun.

The Washington Coordinator

Hicke: Let me ask you about the appointment of your Washington coordinator.

Williams: The first one was Herb Hoffman. Herb had just retired as the lobbyist of the American Bar Association. He was very well known in the judiciary committees, House and Senate. I appeared before the Dole committee one time and he introduced me. Dole said, "Herb, what are you doing now?" He said, "I am the Washington coordinator for the Federal Judges' Association." Dole said, "What's the Washington coordinator?" Herb said, "Well, it's a lobbyist with a different name." Dole said, "Oh that's like revenue enhancement, it that right?" [laughter] Right on the button!

So Herb was the first one and it was just going to be part time because we had a very narrow focus. He did it about one year and he wanted to retire. I happened to know Chuck Wiggins, who was a former congressman. I met him when I was campaigning for attorney general and he was running for re-election in his district in southern California. We campaigned together in his district.

I contacted him every once in a while back in Washington. He was a good golfer so we often played golf there. Later he left Congress to practice law with a firm in southern California. He wanted to practice law but soon found out that they just wanted him as a rainmaker and didn't give him much to do as far as law was concerned. So he left the firm and went back to Washington and joined a law firm there. When Herb Hoffman left us, we asked Chuck if he would be our lobbyist. He said, "Yes, I'd be happy to." So he worked for us until he was appointed to the Ninth Circuit.

He really wanted to get on the District of Columbia Circuit, because a lot of the Supreme Court justices come from there. So those who aspire to the Supreme Court try to get on the circuit in Washington. They got Burger and Scalia from there, but after they turned down one from there because he allegedly smoked pot, they selected [Anthony M.] Kennedy, although he was from the Ninth Circuit.

Anyhow, Chuck was happy to be on the Ninth Circuit and when he was selected he recommended that we replace him as our lobbyist with his very good friend former congressman Tom Railsback. Tom had been a leading Republican on the House Judiciary Committee and was very well regarded by both sides of the aisle. He has been our person since then. He was also a good friend of Bob Michael, House Majority Leader.

Hicke: And he has an assistant--I think there's another person whose name is in your newsletter?

Williams: There was another one who was very good, but he left. So now he has a new one, who Tom says will be very good. He's with a big firm that would like to represent us.

Hicke: Are they still part time, both of them?

Williams: We give them pay in a lump sum, I think it's only \$30,000 or \$40,000 a year, but they do a lot of work. It's probably the least expensive lobby operation in all of Washington.

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Williams: It's very reasonable amount and we're grateful that he's so well liked and has been so successful.

Pay and COLAs

Hicke: Let's go back to the salary problems. I know that occupied a lot of time over a long period, but could you just give me the highlights from your perspective?

Williams: As I say, the salary of the judges was going down, and Congress refused to raise it. They didn't want to separate us because they had this connection, they called it--

Hicke: Linkage.

Williams: It was not law, it was their own linkage. They figured some day we'd get a raise and they could go with us. "If the judges get it, we get it." They wouldn't pass the law. I think the last time they did it was back in the late '60s and judges on the Second Circuit from Connecticut told me, "We did it then and we all held hands and jumped into the fire and nobody got defeated."

Congress doesn't like judges. They like their own individual judges, but they don't like judges as a group. People don't like doctors, but they like their own doctors. People don't like congressmen, but they like their own congressmen. Same situation. No congressman gets defeated because of a pay raise, but they're still afraid to do it.

So we had a difficult time, and we didn't get a raise until finally we won the lawsuit. That helped us in the interim. But Congress was very, very reluctant to do it and they put in a special bill, Section 140; we're trying to get rid of it right now. Even though everybody else gets a cost of living adjustment, it doesn't apply to us unless Congress specifically okay's it. We are singled out for special approval. Of pay raise.

Hicke: Why?

Williams: If they [Congress] turn themselves down, like next year they probably won't accept the COLA, they'll say, "Well you know what? The judges can't get it either." Because they want to keep that linkage. We think we could knock it over with a lawsuit. But every time we bring a lawsuit, and we have several times, they get mad. They don't like it. And they say, "Judges want a pay raise, they just file a lawsuit and get a pay raise." We don't have to run for election like they do. Of course, it is easier for us, however, because we are appointed for life.

For some reason it's very difficult to have members of Congress talk rationally about judges. Their own judge, fine, but "judges"--eeoooo! They were not about to give us and themselves a pay raise, and unless we get this situation knocked out, we face a very serious problem.

So it's a problem of do you want to get Congress to feel better about judges, and we say, "You know, if you give us a raise then it's easier to catch up." The trickle-down theory. "Nope, nope." When the bill went through last time the Senate wouldn't give up their honoraria. Now they've come on board. But even so, judges' opportunity to make outside income is limited by Congress, so it's very difficult to keep up with inflation without receiving COLAs. It's almost impossible.

Judges can always go back into practice. They can make lots of money. But we want to keep them. The strength of the federal judiciary is that we are appointed for life; we are here for a long time; there's no pressure about being fired or having a salary cut.

The only thing that could hurt us, really, is inflation, and that could be a serious problem if our compensation is not adjusted to offset salary losses caused by inflation.

I get paid now as a senior judge whether I work or not. If things start getting hard, I could just say to hell with it and work for a firm or be a consultant or try cases as an outside judge. I would make a lot of money, but I wouldn't be doing anything here. It wouldn't be as much fun so I don't even want to think of it.

But if the federal judiciary starts losing its senior judges to private practice and other young judges quit, it is going to be a difficult situation. And this may happen when they can't afford to send their kids to college, and their former law partners' income has gone up to cover inflation.

[tape interruption]

Williams: One time, I was on vacation in Hawaii and the president put the recommendation in that all of us would get a COLA, and then he went to the hospital for an operation. His chief of staff [Donald] Regan cut the pay raise out. I was at a condo in Maui and didn't have a phone in my room. So I was down at the pay phone and I called Ed Meese and I said, "Ed, did you hear what happened?" He said, "No, what?" I said, "Regan cut out the judges' pay raise." He said, "What? He didn't tell me about it."

Hicke: He didn't know?

Williams: No. Ed was the one who worked with the president. Ed was a good friend of mine and we had worked together in Sacramento. In fact I introduced him to Reagan way back then. He didn't know about it. I said, "Jeez, get hold of the president." "He said, "I can't, he's still in the hospital." So I called the chief justice. I said, "Regan did this and Ed Meese is outraged about it and Regan--." He said, "What am I supposed to do?" "Call him at the hospital." "He just got out of surgery." I said, "Well, let's cool it for now. I'll call you in a week."

So there I was on a pay phone in Maui trying to lobby for a judicial COLA in Washington, D.C.!

But then Congress really was getting hungry, too, and they were very into giving up their honoraria in exchange for COLAs. Finally they did let a pay raise go through and there was a big outcry. Everybody wanted to bash Congress. Even the *Sacramento Bee* criticized their congressman, a nice, strong Democrat up there, who had said in the campaign there, "I'll never take a pay raise."

So now they've got the constitutional amendment. They can't take it in that term of office, which is good. Most states are that way, you can't vote a pay raise for yourself. Then you can say to their constituents, "I don't get a pay raise unless you want me to get one. It's up to you. You don't want me to get one? Vote me out of office." They were concerned about it, but it was smart and helped them out. But they're still very sensitive about pay raises, which is a problem for judges, because if they don't get one, we don't get one unless we sue and win.

It's true, you think of the responsibility of a member of Congress. Compared to a lot of other people in private life they get an awful lot less than some people in some very responsible jobs. And they say to the judges, "Well, if you don't like it you can quit."

Hicke: That's no solution, because nobody else will want it either.

Williams: That's right. Judges don't have a chance to--. If they were to resign, they've made no contributions to their retirement program because they're appointed for life. So they can't leave and draw anything. They have no retirement except for the survivor's benefit. Nothing built up. They're very vulnerable while they're there; unless they've set aside resources they can't protect their families.

The widows' benefits go out the window. What you get back on the widows' benefits is what you've contributed plus 3 percent. This doesn't make sense. The strength of the judiciary is the fact that they come on and stay a long period of time, and they get some sour ones, but that's no reason to change the system. They can isolate the bad judges and work around them. Our strength is that by being free of the political life, we are free of a lot of political pressures and that sort of thing that affects others in other countries, and even a lot of our state systems don't have that protection.

Hicke: I believe the FJA helped head off adverse legislation regarding bankruptcy judges.

Williams: There was a case that came down, the *Marathon Pipeline*. In a case where a company does a bankruptcy, the bankruptcy judges handle all litigation involved in that case. So they don't

handle anything involving anti-trust matters or patent infringement or shares or stock. Everything is going to be handled by the bankruptcy judges.

A question came up where the Supreme Court said bankruptcy couldn't handle it unless they're Article III judges. They can't handle it. So they've got this big thing going to make them Article III judges. One thing that attracts a lot of people to the federal judiciary is they're a very exclusive group. We only are about a thousand altogether, including senior judges. There are more than a thousand Superior Court judges in California alone, so there are very few federal judges, and a lot of judges felt that when you get too many Article III judges, they lose a lot of the prestige and influence and respect that they think they are entitled to receive.

Hicke: Was that the main objection? It dilutes the influence?

Williams: That was one of the thoughts, an internal thought. The other was that if they have all these things--bankruptcy plus all this stuff--it would be difficult in handling it without the staff and the training, because in bankruptcy they're not involved in a lot of the antitrust stuff right along.

Hicke: They don't have sufficient expertise?

Williams: They don't. It didn't bother me one way or the other. But the other thing was that bankruptcy judges, their bankruptcy load expands during a certain time and goes down. Bankruptcy itself fluctuates.

Hicke: According to the economy.

Williams: And so what you'd do is you would have a whole bunch of guys come out who judge bankruptcies. Then business goes down and they wouldn't have much to do. That was one of the arguments. So the bill to authorize it, make them Article III judges, and the Congress would do that, was going along swimmingly in the House and the Congressman from New Jersey whose brother-in-law was a bankruptcy judge, he was head of the house judiciary committee. He's always wrapped up.

Well, [Chief Justice Warren] Burger apparently missed the significance and let it get right down to the wire. So the FJA took a vote on it and decided to oppose it. This is the one divisive vote we've ever taken, because it was unanimous from the board. So we said, "No, let's go with it. Why should we take that position? Why should the government control this thing?" We voted to oppose it and when they took the vote we knocked them out. Enough judges contacted their congressmen and they weren't concerned with it particularly if their Article III judges said, "This is a bad idea." They said, "Okay, it's a bad idea."

As a matter of fact, Chuck Wiggins was our legislative advocate at the time. He said we knocked it out so quickly, although the other side thought it was a cinch to pass. After the vote was taken and it was defeated, they called for another vote so they wouldn't embarrass the chairman too much. We still had enough votes to win it. As long as we won the battle, there was no sense in rubbing it in with a lopsided vote.

Hicke: I understand the bankruptcy judges had or have a strong association.

Williams: They have a very strong association. They deal with a lot more money than we do and there are more of them, and of course they have all the referees and the bankruptcy trustees and private practitioners in it. They were contributing their strength to this bill. Very strong.

Hicke: Somewhere I have gotten the sense that it was this issue that turned around the chief justice. At least to some extent.

Williams: Yes. It did. I think it's in that letter you have. There's a letter from Bill Weller saying that the chief justice thanks the FJA for its efforts. He realized that he would have lost that battle without us. It's very risky to have all your eggs in the basket of the chief justice. Because apparently Earl Warren was not popular with Congress. If you had an unpopular chief justice--and Burger wasn't particularly popular--and he's the sole lobbyist for the judges, you're dead.

That's why we had to be independent. Also because if we worked with the Judicial Conference of the U.S., they would say, "Don't do it, we're handling it. The chief justice is handling it. Go away." We all have the constitutional right to talk to a congressman. It's a more effective way to organize. But Burger recognized he would have lost the damn thing if we hadn't come in and picked up the pieces and put it together in very short order. Chuck Wiggins was there when they were counting the vote and he said, "Wow." He was really surprised. He was the one who said, "Some of the congressmen I knew were for the judges, but I didn't realize that that many were

Hicke: Was Network in place at this time? Is that what you used?

Williams: We didn't call it Network then, but we were contacting the guys we knew, calling our friends in Congress and saying, "Hey, this is coming up. It's very bad for the judiciary." There's the correspondence between me and the chairman in there, in which I tried to mollify him afterwards. It was a very exciting time because we did turn around the chief justice. He came to our reception after that and he even shook our hands. [laughter] He was always very cordial to me.

Hicke: Let's keep track of these photographs because we may want to use them.

Williams: He was always very cordial to me. Here we are. [shows photo] That's Chuck Wiggins and Bill Weller in the background.

Supreme Court Justices

[Interview 2: July 9, 1992] ##

Williams: I had a little note at home that Arthur Goldberg received the last copy of the draft for the lawsuit. That reminded me of talking to him one time about the lawsuit. He said, "You know what you should do? You should strike." I said, "What?" "The judges in France once had a salary problem; so they put on their robes and marched around the Palace of Justice. Striking. And they got their pay raise." I said, "No! We're not going to have any strikes!" [laughter]

"Come on Justice Goldberg." He always called me Judge Williams and I always called him Justice Goldberg.

Hicke: There's another thing I wanted to fill in. You alluded once before we started taping to the fact that you had talked to John Paul Stevens about the membership of Supreme Court justices. Could you tell me about that?

Williams: Yes. He said, "I don't see anything wrong with Supreme Court justices joining the FJA. I'll take it up with the Supreme Court justices." He called back later and said that they thought it was not wise to have them join. Tony Kennedy was a member when he was a circuit court judge and I don't know if he kept up his membership. We didn't include them in the first place. They were not eligible for membership because we didn't want to have them feel they would have to recuse themselves in a big case if it got there. We realized there were some constitutional questions involved and we didn't want the press saying, "Well, they can't decide that because they are members themselves."

Well, it turned out, of course, that the FJA itself could not be a plaintiff in a lawsuit. It couldn't because normally you have to have individuals. So FJA wouldn't appear as a plaintiff in a case. But it would be involved and we thought it was safer not to have it involved. So he talked with the justices and they said, "We think it's probably best not to become members." They're on our mailing list, they get our *In Camera* [newsletter] and so forth. I know Justice Stevens fairly well and I know Tony very well so I think they have a good attitude about FJA.

I think I told you about Justice [Lewis F.] Powell [Jr.].

Hicke: Did we get that on tape?

Williams: I don't know and I think we should. When Burger was opposing us vocally and adamantly in the press and elsewhere I got a letter from Justice Powell: "You might like to know that as in some other situations, the chief justice does not speak for the whole court."

Hicke: This was when?

Williams: After the FJA was formed. He said, "The chief justice does not speak for a unanimous court." Words to that effect. It was nice to get that little encouragement. Arthur Goldberg said, "We ought to strike," and I said, "No, no, no." His background of course was labor. The last time I saw him we had dinner. It was during an FJA meeting in Washington--the meeting at which the president had invited all the judges to a reception at the White House.

My meeting with Justice Goldberg was at his apartment. His wife had passed away, which was a terrible loss. I said, "Justice Goldberg, I've known you about 15 years. I'd like to call you Arthur. You call me Spencer, I'll call you Arthur." He says, "That's fine, Judge Williams." [laughter] I had to call him Justice Goldberg. Super person. He was just terrific.

Salaries, Legislation, and Social Security

Hicke: Another thing that we didn't talk about is the Quadrennial Commission. You testified before that. Can you tell me about that?

Williams: I'm not sure I testified. I submitted a statement.

Hicke: That's right.

Williams: That was the commission appointed under federal law. Its members were appointed, a certain number by the president, a certain number by the president of the Senate. I think two each by the president, the speaker of the House, and the president of the Senate. So a committee of six people. It may have been larger. They wanted to make a study of salaries for all government employees and then they were to make a recommendation to the president.

Hicke: Which president?

Williams: The first one that I recall was President [Gerald R.] Ford. The letter I wrote to Ford is in there someplace, where I said—I had met him, and I said, "Maybe you remember I was the person who introduced you at the San Jose Country Club"—this was before I was in politics—"as the Honorable Glenn Ford." [laughter] He was speaker of the House or a Republican congressman. I said, "I hope that you will go along with the recommendation of the committee because judges are in a bad situation, inflation is killing us."

I got back a form letter from the Executive Office of the president saying, "The president didn't sign this legislation and here's an explanation of it." They sent me this information on a different bill which didn't involve judges at all. So I sent another letter saying, "Here's a copy of the letter I sent to you concerning judicial salaries and I got this addressed to Mr. Williams that concerns other legislation. If this is typical of your administration then we're all in trouble."

So the guy who wrote the letter called me, and I went back to talk about it, and he apologized. In legislative matters they get a lot of letters and handle many with a form. I think that was the first letter that I wrote on the subject of judicial salaries.

Hicke: And what was the Quadrennial Commission recommending?

Williams: A substantial increase. And [Richard M.] Nixon, when he was president, the first time it came up, he didn't go along with the recommendation. He held it down and didn't give raises. Ford was doing the same thing. The system was that the president would make a recommendation, and the Congress would usually reduce it or didn't do anything. If neither house adopted a resolution opposing it or rejecting it, it would go into effect. So Congress was rejecting it so it didn't go into effect.

We raised that question in the *Atkins* case: whether the one-house veto was unconstitutional. This is a legislative matter and Congress cannot legislate by one house or by

one committee or by one legislator. So that was our suit, and the Supreme Court wouldn't take it. The Court of Claims rejected it.

Later a one-house veto case did go to the Supreme Court. It concerned immigration, whether a rule by the director of immigration could be overturned by either the House or the Senate. The Supreme Court took that case and said the one-house veto is unconstitutional. As a matter of fact the Senate and the Attorney General intervened or filed briefs in the *Atkins* case urging the Supreme Court to take this issue because it was an important issue. A lot of the legislation was coming out with this idea that one house or the other could veto an Executive Branch order, and the court wanted to have it cleared up. It finally was, but too late for our case.

Hicke: Social Security was an issue and maybe still is. What can you tell me about that one?

Williams: Judges were not subject to Social Security. A lot of judges were told when they came aboard, "You're not going to have to pay Social Security." That means quite a bit. Many of the people that come aboard are fully qualified under Social Security so they don't have to make any more payments.

Hicke: So they're already fully--

Williams: Most of them. I wasn't, so I had to report to the county to get full Social Security. I had a combination of county retirement and Social Security. Then they passed this bill putting everybody under Social Security. A lot of judges were complaining--

Hicke: When was this?

Williams: About six years ago. The [Congress] even put themselves under it, and they put the federal employees who were on a retirement program under it. They exempted themselves, finally. I'm not sure they let themselves out or not. But they held judges in there.

Hicke: Can I ask why they did this?

Williams: I guess they wanted to have uniformity for everybody to be in Social Security. Maybe they just wanted to get more money in the fund. I don't know what the policy was. We resisted it and it went into effect anyhow. So a group of judges wanted to bring a lawsuit to challenge it. We thought an official protest would call attention to the problem. We had everybody, the secretary of the Treasury, the AO, and so forth, willing to protect our rights.

But the FJA board of directors elected not to bring the suit, because we were having pretty good relations with Congress and we still wanted to get this business about having to get Congress to approve our request to get that Section 140 of the 1981 Continuing Resolution repealed. This is in the Congressional Record of November 13, 1981, page S13373. It said we couldn't get a pay raise, even though it would be a COLA, unless Congress specifically said we could get it. So we tried to get them to repeal that rather than sue on that one. We hadn't brought a lawsuit--Congress gets upset. They say, "Oh, those judges, they want a pay raise, they just file a lawsuit." It's a combination of jealousy or envy because we don't have to run

for election and there's no deduction from our salaries because we get paid for life and a few things like that. So we just didn't want to file this lawsuit.

We had done some research on it, and several judges from Los Angeles--Terry Hatter, a very good judge--he and a few others, Pete Beers in New Orleans, and a few other guys filed a lawsuit. They said, "The constitution says you cannot diminish our pay." There was a case involving the income tax on judges and that was ruled unconstitutional for a long time. Finally back in the '30s Justice [Felix] Frankfurter wrote a letter saying that it could be put on prospectively but not for sitting judges. They could impose a tax on judges who came on after the tax was adopted, because they went in knowing that there was an income tax.

Hicke: Is there income tax now on federal judges?

Williams: Oh yes.

Hicke: So they did that.

Williams: Terry Hatter, Jr. was really--most of them had a tough time. His wife was working and the teachers were on strike and he had three kids in college, one in law school and one in medical school and one someplace else and he needed to stop making the payments and get his money back. He was upset with the FJA for not going forward with it.

I think there were about eight or ten judges that went to the Court of Claims. They had had some problems before with the Court of Claims. Filed a suit and it's now in process. They had some trouble with it. Recently the trial judge was reversed and the case is now going forward. I think they'll win it, because they're proceeding with a Supreme Court case that says you can't impose a tax on judges when they are in office. It diminishes their salary. Withholding would diminish their compensation.

The government implied that this is part of the income tax law. And of course there is a law. But we were specifically not subject to that law and then they put it on us. I think the ruling will be that it is a violation, and the judges will stop having to pay, and we'll get all our deposits back, who want to. There will be an opt-out provision, because some judges will want to stay in. So they're suing to be able to opt out.

The other case I mentioned was when Senator Humphrey of Massachusetts brought a case to try to declare this method of setting salaries unconstitutional--the recommendation to the president [see above]. Now it takes both houses to repeal it. He says, "It's a congressional matter, it shouldn't be in the hands of the president anyhow."

Hicke: I noticed in the sheet you just gave me that Senator Robert Dole introduced that amendment--if that's what it was--has he been a consistent opponent?

Williams: No, he's very supportive. He did that in order to get something through. He said, "I will do it this one time." He's been very supportive. It was a maneuver in order to get something passed so we could get the pay raise at that time. Of course some of the congressmen didn't like the idea, and I think the deputy attorney general who wrote the opinion was wrong. We have to file a lawsuit to get them to repeal it, and we have this important matter now on judicial

survivors' benefits, so we don't want to rock any boats right now. But the time will come when we'll go on the basis of salary.

Hicke: You try to concentrate on one thing at a time?

Williams: Right. We try to keep a very narrow focus. There are other groups that do other things like education and support all sorts of things about judges on rule making. We want to concentrate on compensation and perks, benefits, because we feel we have to keep judicial salary high enough--as I said in that letter to the Russian judges--high enough so that coming on the bench won't be too great a financial sacrifice and high enough so that sitting judges won't leave, particularly guys with kids in college. It just doesn't go very far.

The concept of our founding fathers was that the judges were not supposed to be worried about that. I think I mentioned that during the Constitutional Convention it was suggested that judges' salaries be tied to the cost of wheat so that when the prices go up the judges' salaries go up. It was rejected as being too flexible and too complicated. One provision of the constitution was you can't either raise or lower the salaries. They took out "can't raise." They were talking about the problem of inflation as something that would cause the judges' salaries to become inadequate.

Hicke: You'll find yourself on the Chicago futures market.

Williams: You bet. [laughter] Buy the wheat to get the prices up!

Hicke: I also noticed that Ralph Nader's name came up. I assume that he is--

Williams: Opposed.

Hicke: Just to this particular thing, or is he consistently opposed to the things you are doing?

Williams: I think he's opposed to salary increases for anybody in government. As somebody said, "Of course, he's not married and he probably never will get married and he won't have any children and he lives in a boarding house so he doesn't have to worry about salaries." His group came out against it. They didn't come out very much when the congressional salaries were up. But they made a token appearance. They collected a lot of money, he did, to make a token opposition in Congress. He depends on Congress to get legislation and so forth. He was not about to take on Congress about their salaries. I think Jake Brooks said, "He would never get a bill out of my committee."

Hicke: There was the Kennedy-Castenmeyer substitute.

Williams: Castenmeyer was very supportive of the judiciary. He was our friend in the Congress.

Hicke: I think that was a substitute for the first bill that was put in regarding the pay raise.

Williams: Right away I talked to Kevin Forde. He said he'd put this on the list. I had on my desk the things to do and I said, "Well, do it. Get it off my desk."

Hicke: Why is Castenmeyer supportive, do you know?

Williams: No. He was head of the subcommittee on that subject. A good lawyer. It's not really a very exciting committee for anybody unless you're a judge or a lawyer. But he took it and did a good job. One time one of his aides was working for the AO for a while, Mike Remington. He said, "Nobody's ever thanked him for what he's done." So I wrote a letter and said thanks for everything. He's been just very supportive. Right now he's on this committee that Betty Fletcher testified about. He helped us to--. I'm concerned they'll get a committee and they'll get a staff and they'll just go crazy.

Hicke: Another thing I saw in the newsletter was that the ABA has been supportive. How did you work that out?

Williams: Well, they passed a resolution in support of federal judges' salaries.

Hicke: This is the board of the ABA?

Williams: Yes. In the present sense, I guess since the '30s, you would ask for the ABA's evaluation of candidates [for the federal bench] and they have to get approval from the ABA. The president will say, "We want the ABA's approval before we submit it to the Senate." So the ABA has been very honored to have that responsibility and they see the problem. Their board of directors is made up of people who are making \$300,000 to \$500,000 a year. They realize that they have to go before the judges and they'd want competent people on the bench and they realize that there is a problem. They have been very supportive. We finally got them to have people come and testify in Congress. For a while they'd just adopt a resolution but now they come in and testify actively on the subject of judges' salaries.

In the past we've had AFL-CIO endorse pay raises for judges and all sorts of groups. The people who I think should be most supportive of judges are the newspapers. Because we're the guardians of the First Amendment. Newspapers depend on the First Amendment for protection for freedom of the press, which depends on how the courts interpret it, saying, "You're protected." The press ought to be damn sure they have top quality people in there who are not going to cave in on tough issues. The courts must stand up and say, "I don't care who you are, you can't do it."

Dealing With the Media

Hicke: What about the newspapers? Have they been supportive?

Williams: Some have and some haven't. The *New York Times* almost always comes out for pay raises for judges, and during this struggle it's been my experience that they've been supportive. But a lot of papers come out against it. "Government workers, they get too much money now, why do they complain? The average worker in the United States gets so much money and so why should they expect any more." And they say, "Oh, there's plenty of lawyers available. If they

have a vacancy on the bench, they'll have lots of lawyers applying for the job. There's no shortage."

And I say, "If Joe Montana quits there will be a lot of people standing in line for his job who sure as hell can't throw a football!" The number of people who are interested is not indicative of what they can do.

Hicke: What kinds of effort do you take to establish relationships with the media?

Williams: It's been kind of hit and miss. Normally there are reporters who cover the courts, and they can see the judges' work, and sometimes judges can say, "Hey, what is your paper going to do on this subject?" I used to know a lot of people on the *San Jose Mercury*, and I talked to them. I used to call Harry Farrell and say, "Hey, I hope you will write about this and not be against it this time."

Hicke: And are they receptive?

Williams: It's sort of a hit-and-miss basis. I had a plan which never really got off the ground. Sort of an extension of the Network to have a leading member of the bar and judges and some other private citizen visit the editorial board and talk about it and answer questions.

When you're a candidate they sit down at the editorial board and they have the editor there and all these people there and they ask a bunch of questions about your political thoughts and what you're going to do and all that. There's no reason why they wouldn't--. I think they'd be delighted to do it: get our side of the story and write an editorial. The *L.A. Times*, I believe, has been supportive. The big ones are. But some of these little towns in Arizona are always against it. [laughs]

Hicke: What about the *Mercury*?

Williams: The last time they came out they did. And so did the *[San Francisco] Chronicle*. But then you have talk shows.

Hicke: Do you call up and offer--

Williams: I don't. People call up and say, "Oh, those damn judges--." Those people--the talk show hosts--are artists. Often they want to create controversy and get people mad so that they can get them to call back again. I don't listen to them a lot. My secretary said she heard one guy last time say that the judges should get a pay raise. He probably wanted to get some listeners mad. [laughter]

Hicke: It seems like something that anybody would support.

Williams: I had a case that involves about \$300 million. It was a case against Arco for overpricing during the price controls. They allege that they persuaded the DOE [Department of Energy] to change the base price in which they would refigure their cost increase during the period of price control. ARCO misrepresented itself to the DOE, so they made millions and millions of dollars. They've already paid out a lot on this basis, but this group of individual purchasers

who are the gas station owners who were not ever represented, brought a separate lawsuit. It's a big case.

Hicke: This goes back to the '70s?

Williams: It was filed in '79. There were a whole lot of pending efforts to resolve it through the administrative process. It actually only got stated again about '88. Then I've had other cases involving hundreds of millions of dollars. *IBM v. Hitachi* on the theft of secrets and that sort of thing. It's important that we be able to get people on the bench who are sophisticated and dedicated and have ability to handle these matters.

Hicke: I think being dedicated is important too. Ability is a necessity, but dedication can make a crucial difference.

Williams: I tell my people we take our jobs seriously but we don't take ourselves seriously. So we can enjoy doing the work. What we do is important. Every case involves people, whether it's a corporation or an individual, they're all people who get affected by it.

FJA Goals

Hicke: I just read in one of the newsletters that there are two main purposes for the FJA. One of them is attracting and retaining judges of high quality. The other was opposing intrusion, intimidation, coercion, and domination. Can you tell me how that came to be a goal?

Williams: Because we know that Congress likes to manage our affairs. There's been more and more of that sort of thing. The executive branch may have differences with us and try to bypass our judgment somehow or the other. We have to be independent, and the strength of the judiciary is its independence. We can't have anybody coerce us one way or the other, individually or as a group. We're speaking more as a group rather than individually.

We were also going to try to get a program going to defend judges attacked in the press, where some editorial comes out about a judge. He's not supposed to defend himself. For example, a judge must remain silent even if a ruling is strongly criticized in the press. It seems to me there might be a mechanism where a community of judges would respond and say, "Well, why don't you understand what the case is all about and understand the differences?"

One good example might have been that there was a lot of criticism of the state judge that handled the King case. People who have criticized him didn't hear the evidence. I was shocked by the results because I'd seen the tape. But when you get into it, there was more involved than the public knew about. So in effect they're criticizing in the case the judicial system and the judges without knowing the facts or understanding the law involved. We just figure that we have to try to make sure that we're firm on our independence and don't let anybody try to push us around.

Hicke: Is that aimed at any branch of government or towards any group or person specifically?

Williams: It's aimed at--

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Williams: --anybody. What comes to mind mostly would be the congressional effort to get into our areas and we talk about that in the newsletter on this mandatory sentencing business. Congress could kill us if they wanted to deny pay raises forever. It would just destroy us. We're supposed to be a third co-equal branch of government. We don't want either the executive or legislative branches to try to coerce us in any way, or any powerful corporations or organization to try to intimidate us. Of course, there are very few situations in which this actually occurred, but we should be aware of and prepared to deal with attacks on judicial independence if they occur.

Hicke: So it wasn't really provoked by any particular incident? Things like getting the sentencing guidelines?

Williams: No. We didn't have sentencing guidelines when we adopted that.

Hicke: When was that adopted? Was that at the time of the formation or afterwards?

Williams: It's in the FJA Constitution. So right off the bat. And it may get more active. As I say in the newsletter, I want to see what the attitude is. There's this great article in *The Recorder* about the sentencing guidelines, and there's a difference of opinion among judges about the guidelines. If we take a position it would not be 98 percent support of the membership like we have in most things.

The membership did divide on the question of opposing bankruptcy judges. Roughly 20 percent opposition of our position. So we'd be putting a lot on the line if we went into this thing on the guidelines per se. They might have a division. If it's important enough to do, we probably would do it.

On the Constitution, it only provides for a Supreme Court and such inferior courts as may be established by the Congress. So I guess the Congress could abolish all the lower courts. So there's a technical potential there. I don't think it would ever happen without a constitutional amendment. The courts defend so many rights and the important rule in maintaining a civilized society. We're the ones who stand between the government and the people and protect them. A lot of people realize that. But there it is--we're only created by the Congress. So if we got into some kind of a real battle, who knows, they might just say, "We can't afford you guys [makes slashing noise], out you go." Then we'll just depend on having the state courts interpret the Constitution. Or the Supreme Court.

Hicke: That ought to provoke a few call-ins.

Williams: The Constitution says, "--and such inferior courts as will be established by an act of Congress."

Hicke: My question is why both the lawsuits and the idea for the FJA arose in the Ninth Circuit, maybe even in California we could say.

Williams: At the time we were doing it, others we talking about the problem of salaries. Charlie Joiner had a group going in the Fourth Circuit of Appellate Judges Association. They were going to get a lot of citizens in it and other judges and lawyers and make a big operation out of it. They were going to handle a lot of other things rather than just legislation. He had a meeting with the chief justice and the chief justice discouraged him. So it was in limbo. Then we came along. There is some correspondence on this. Charlie Thomas was treasurer of that group. Both Charlie Joiner and I went and met with the chief justice on the question of an association. Later they decided to let us pull out and not continue with theirs and turn the money over to us and support our association.

So there were other people concerned about it. The appellate judges were not organized, they had no group, nobody to speak for them. As I mentioned before, when Warren was chief justice, he had a very bad relationship with Congress apparently and he couldn't persuade them to do anything. Congress was not intent in those days on writing a lot of laws about the judges. There was a general feeling that we had to do something to protect ourselves.

And I guess maybe the Ninth Circuit is a maverick circuit or something. I'm a maverick myself. I didn't connect it with the other one until pretty late. I said, "Why don't you sue the bastards?" We started on litigation as the solution to that one problem. Once that one problem was solved Irving Hill said, "Why don't you form an association?"

Hicke: Basically this idea was around but it took Spencer Williams to pick it up and run with it.

Williams: The litigation portion of it. Then it developed into a big thing.

Hicke: It was the people; that explains why it started in California. Maybe California is a little ahead of the nation or a little maverick or a little bolder? Because obviously you went ahead in spite of the resistance of the chief justice.

Williams: I broached the subject with Bill Campbell at a meeting in Washington. I said, "We ought to sue these guys." He said, "Have you escaped from Agnew State Mental Hospital?" He had this funny look on his face. A lot of people wouldn't even talk to me around here. They were on the chief justice's side. A lot were not, though. Something had to be done and I started to mess around with it and got it going.

[discussions of letters deleted]

Hicke: What was the role of Jim Harvey? I think Irving Hill mentions him.

Williams: Jim Harvey is a former congressman. Another one from Indiana or Illinois was involved. Jim Harvey was from Michigan. He was an early supporter. He was a federal judge at this time. It's nice to have former congressmen who could talk to Congress for us. We have six or seven former congressmen who are members. Senator from Montana, a couple from the Midwest.

The Newsletter In Camera

Hicke: Let me go back to the newsletters and ask you how that got started.

Williams: When I was president I used to send quite a few letters out to everybody, bring them up to date. So the new president was not able to get that much out that way. They would send stuff to the board and the membership of the FJA once in a while. I'd send something to all FJA members and all the judges, tell them what's going on because it's important to keep them informed and encourage them to join and so forth. The AO was marvelously cooperative. This also goes back to Bill Weller opening up the doors. When Ralph Mecham was first appointed, '85 I guess, I made a point of seeing him. I went back and talked to him and told him about the FJA and how we worked together. He's always been supportive. He's come to our meetings and given us talks. Bill Weller was the one who said, "We have this mailing list of all the judges. You can just get your copies out to these names."

So we were able to use the AO's mailing list to mail this newsletter. I'd write it up and then take it to a print and mail place and they would print it up and mail it for me. We had enough money to do it. It was a zippo way to do it. The other presidents were--I don't know, busier than I was, being a judge or something--they'd never get the information out on a regular basis.

I suggested that if we have a newsletter, following a suggestion by Betty Fletcher, that we have to do it. I was ex-president and they only had one position for ex-president. I could be ex-ex-president. I'd be out of the business. I figured if I'm editor of the paper I'll have to go to all these functions, I'll have to be involved. It was a way to ensure without saying, "I want to be on there forever," that I would be involved.

The only other one who's so perennial--. Well, the officers were perennial, but the elected representatives have term limits--something to put in the newsletter, "Term Limits for Federal Judges"--so after a while you're out. Hu Will is the other perennial one because he's the perennial chairman of the senior advisory committee. So I thought, "Well, they need it." I think we need to get information out generally and I get contributions from people and spread out what we do more or less. It's kind of fun. But every time I get to a publication I say, "When's our next deadline!" It comes tomorrow!

Hicke: Do you get feedback from people?

Williams: It's the first time I've been able to publish letters. A lot of people say, "Gee, I like your newsletter." I'm trying to get more response. I wanted to send something out, "Dear Secretary, Make sure your judge sees this." I'll give a dollar to every secretary who can send back an endorsement from her judge that he's seen it. That wouldn't cost very much, but at least we'd know that it gets through. I started out by saying, "It's short, but it will take you no longer to read it than to decide whether you wanted to read it or not." We don't want to send it out just for the sake of sending it out.

We get so much junk in the mail you can't believe it. So they look at it, forget it, take and toss it.

Hicke: I think once they've read one they're probably caught because it's nice and light and airy yet there's a lot of meat in it too.

Williams: One of my friends from New Jersey, Judge Lee Sarokin, kids me about my "garrulous style." [laughs] People mention that it's a good letter and I'm pleased by that. It comes out quarterly. Have you seen the one the feds central office puts out? *The Third Branch*. It's much longer and has more detail. We're not in competition with them. Much more information. For a long time they never even mentioned us. Now they even had an interview of Diana Murphy when she was president, a picture and an interview with her. So now they recognize us as living on the right side of the tracks.

Hicke: This is put out by the AO?

Williams: Yes. The AO has some competition with Bill Schwarzer in the Judicial Center and he puts out some publications which are also very good. But you can only inhale so much material and we want to keep ours short so that people can read it and not feel bogged down by it.

Hicke: Do you use it as a way to increase membership?

Williams: Yes.

Hicke: So you send it to people other than members?

Williams: Yes. For instance, we have six judges in our circuit, so I just send a letter to each of them, a two page letter, and I send a copy of it, saying, "I'm not trying to pressure you, I want you to know the background of it." It's worthwhile and so I'll see what happens. I'd like to have a good percentage here. We have two-thirds of federal judges as FJA members; I'd like to have at least two-thirds of my own judges. [laughter]

Hicke: Well, since you've gathered up all of these nationwide, I don't think you'll have any trouble here.

Williams: No.

Results of FJA Activities

Hicke: Let me ask you this, what are the implications if this had not been formed and if you had not litigated? In other words, if you had not been involved?

Williams: If that were a question asked in court, they'd say objection because it's speculative, but anyhow, I'll speculate. That's all right.

If the problem hadn't been solved, it would have been so severe that something would have happened. I mean, something would have had to have happened. Maybe somebody else would have instituted litigation. Maybe the judges would have gone on strike. I don't know. Just

something had to happen, because morale was down. I sent this questionnaire out, and most of the judges' wives were working or the judges were selling off assets in order to support themselves and get their kids through college.

In California we have a Supreme Court, a Court of Appeals, a Superior Court and a Municipal Court. Judge [Albert] Wollenberg, who was a former state senator, a former superior court judge and a federal judge for years and years, his son, Al Wollenberg, Jr., was a municipal court judge in San Francisco and making more money than his father.

Hicke: Is that possible?

Williams: Yes, a municipal court judge in California making more money than a federal judge. That's ridiculous. He's a bright young man, but to think of the responsibilities, it's just--. And it was going to get worse, so that I think something would have happened. I think that it probably happened before the real crisis came, and we were able to get through it. If there had been a real crisis, we would have had some terrible confrontation with Congress or the executive branch or both.

Judges don't like to get up front. But the separation of powers doesn't mean you can't talk with each other and try to solve problems. You don't have to be off in a closet someplace. I'm sure something would have happened.

Ed Meese was very cooperative. He was always helpful. Something would have happened. Reagan would have done something more, somebody would have been able to get something going. I'm glad it happened sooner, though, because as I say it may have avoided a real crisis.

Hicke: Can you tell me a little bit more about Judge Sneed? Was he involved in your part of it?

Williams: He was an early supporter. He wasn't a member of the board, he didn't get active, but he was always encouraging.

Then Walter Cummings from the Fifth Circuit was--he was a Chief Judge of the Fifth Circuit, and he would stand up at their annual conferences and say, "You ought to join the FJA!" When the chief justice was going around saying, "Don't join the FJA." I seem to recall that Judge Cummings was Bill Campbell's brother-in-law, which helps, but he also was just a courageous kind of guy. He said once, when he was talking to the chief justice about the problem, the chief said, "Oh, that's a problem, what are you going to do about it?" He said, "Oh, maybe we ought to strike." I don't know if he had been talking to Arthur Goldberg too or whether it was original.

I wrote a letter recommending Hu Will for selection as outstanding judge of the year. I wrote two of them, but the best was probably in January. The important thing was--I said it there, and I think it was said succinctly, in the early days Hu Will was a well-known and respected judge throughout the country. Because he was always teaching calendar control at these courses for judges. He taught the very first one back in the mid '60s. He taught before he was a judge, this calendar control business. So most everybody knew him.

Some people didn't like him because nobody likes everybody. He can be a little caustic sometimes. I think he is terrific. He and his wife are terrific. I said in my letter to the committee, "We don't have enough leaders in the judiciary like Hu Will and Bill Campbell. They gave us a lot of stature and ability. They have been tremendously helpful." The citation was that he helped to organize the forces to attack the salary/pay situation. He was there all the time. He wasn't as active, as far as I know, as Bill Campbell. Bill was the one I communicated with the most. But He was right there supporting us the whole time and he was with us from the beginning.

Hicke: What do you see as the future challenges and the future successes of the FJA?

Williams: I think that the FJA will continue to be an effective watchdog of legislation that concerns the judiciary in these areas. We don't want to overlap into what other people are doing. The AO has educational programs and so does the Judicial Center and the Judicial Conference of Trial Judges, they're concerned with ABA doing a lot of things that ABA is interested in. I think we'll just keep our focus narrow and just be a watchdog, because we will have to defend against legislation which is adverse to judges as well as support legislation which is favorable to judges. It's a two-way operation.

Right now we're working on improving survivor's benefits. We had one big improvement. It was terrible before. We could only get one-and-one-half percent of a judge's salary per year of service. We had one guy who died after only five years of service, so he barely qualified, and his widow had to sell the house and go to work rather than go on welfare.

And also in the health area. We can try to make sure our health plans are comparable and don't get too far behind. One thing that we didn't sponsor, but it happened, was that judges now can go to any military hospital for shots and so forth if it's available. They put out a list of where they are if you want to use that. So if you want to go to an army hospital, take your chances, it's available and it certainly is cheaper than going on your own. Things like that. Little benefits here and there. We were able to support a bill to give pharmaceutical benefits to all judges.

We were able to help get the travel allowances up. It used to be that you would get \$75 a day and your hotel would cost \$85. So definitely every time you travel you're losing money. Now it's more reasonable. Nobody gets rich on it, but they don't go in the hole. I think if we just keep concentrating in those areas we'll have good support from the judges and we'll have a reason for being and we'll be satisfied with the job we're doing. We're successful. You're always going to have a certain percentage that won't join regardless.

Hicke: How many members do you have now?

Williams: I think two-thirds. About 700. I think that's phenomenal. \$200 a year. We have money in the budget and we can do a lot of things. I'd like to see them provide that in the fifth consecutive year of membership they waive the dues, so a guy has incentive to stay on and he'd get a free year. \$200 in the pocket, so to speak. We can afford it. I haven't sold the idea. I haven't tried very hard. I think that's the way to do that. We have a lot of guys now that have five years and it automatically would reduce our income for a year but that's okay because we have them there.

I think doing what we're doing, trying to get more membership. I think we need to be recognized by the Administrative Office and the Attorney General's Office and the Congress as being an important part of the process.

Hicke: Are you happy with not only the numbers of members that join but the time spent, that people actively participate?

Williams: Oh yes. There's not an awful lot to do. So I say to people, in my letter to these new members, "If you're interested in working you can, but if you're not, just the contribution of your dues is very important." So if they want to pay their dues and do nothing else, that's fine, because we have lots of members working on our various projects. Everybody can do as much as they choose and not offend anyone.

Hicke: But you do ask them to contact congressmen or senators.

Williams: Once or twice in a lifetime sometimes. I say, "Only if you're comfortable." Some are reticent because they've never done it. But everybody who's on the bench had to have a senator nominate him, talk to the president about him, or a congressman, because if they have two senators from the opposite party they usually use the senior House member who will act as a senator as far as judicial appointments are concerned. So everybody knows a senator and they've been in bar politics or local politics or in important citizenship matters of the community.

So they pretty well know they can do it. It's just a matter of saying, "Will you do it? Here's the story." The theory is--and it doesn't always work--that FJA will pay to send you back to Washington to talk to the congressman and they'll pay also to work with our coordinator--a euphemism for our lobbyist--and we'll tell them what the scoop is, because we want them to know what's really up and sometimes they don't know. They know the problem; they don't know the ins and outs. If they go in and take the lobbyist with them it makes a really good presentation. They will talk, but the guy will be there and they can follow up with our lobbying.

Also we go back and talk to staff members and that's good because they run the operations. So basically the function of the network is to have the guy who knows the congressman be able to talk to the congressman and explain our problems. Also we are urging, as so is everybody else right now, to invite the congressman into your courthouse for a luncheon. Take him down and introduce him to all the people in the clerks office. Votes! Talk to them. Congressmen are concerned about crime, and you can talk about the problems of crime and other problems. It's healthy. I think it's healthy for government.

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Hicke: What about Chief Justice Rehnquist?

Williams: Terrific. He's very supportive. I met him a long time ago, when he was our Ninth Circuit justice after William O. Douglas left. He was talking about his first time in court. He said, "I was a law student at Stanford and one of our students got a ticket for parking in the Safeway parking lot, and we didn't think that the police powers extended that far, so I brought a lawsuit

in county court against judge so-and-so." Now judge so-and-so was a cripple and he was in a wheelchair. Anyhow, as county counsel it was my duty to defend the judge.

Judge Rehnquist said, "We went in and tried that case and we lost." [laughs]

I went up to him afterwards and I said, "Justice Rehnquist, did you know I represented the judge in the case?"

He said, "Yes, I know that."

Anyhow, a bad start for a guy who turned out to be chief justice. He's a very nice person. He's very cooperative, he calls you back if you call him, he's interested. When he became chief justice and I was still connected with Frank Coffin's committee, I was invited by him--. Frank called and said, "I want you to come and speak with us, our committee." I went there and a lot of the old guys who were old friends of the chief justice were kind of cool to me. I was the outsider who had the temerity to go with this thing. I was there about two years and it was great because they all listened to me and asked what we thought about it and what we could do. It was really great. So now it is a regular thing, our president is invited to sit in with this committee.

So I talked with the chief justice. He came over and met with that committee and we started on salaries. He said, "Spencer Williams has already been lobbying on that." I have to go and see him. He's good. He's cooperative. He's been very cooperative with all of the presidents, with Bob Hall, with Diana Murphy, with the committee, Betty Fletcher.

We all have the same objectives and one thing that we haven't said, we can do things quicker without having to go through a hierarchy of approval. If Congress doesn't like it or if the executive branch doesn't like it, the chief justice says, "I have no control over those people, they are acting on their own. I can't tell them. They are all independent."

So I wouldn't say it's a trial balloon situation, but if we get into trouble on something we all want, they won't take the blame for it, we will, which is a very nice thing. But he is very cooperative and I think he's a very astute person.

[interruption]

Hicke: Tell me about the Washington coordinators.

Williams: Our first lobbyist was Herb Hoffman. It's been a terrific personal experience. Getting to meet all of the judges throughout the country, and I spent some time talking to them. More so than probably many of the judges do because I have been in contact with them with all of these things. That's been great. I can call somebody up and say, "Hey, you need some help in Boston. I'll be glad to come and sit for you a while." So I get easier access to out of state assignments. It's just great.

I think I told you after our first conversation in Washington, this old judge from Pennsylvania was so enthusiastic he says, "This makes me proud to be a federal judge."

Hicke: I don't think you told me that.

Williams: He knew all of the judges.

We had the first conference of federal judges, all federal judges, we called it. A lot of judges came that--. It wasn't just membership, we invited everybody to come.

Hicke: All of the Article III judges?

Williams: Right. Guys got together who hadn't seen each other for years, and they traded stories and stuff. He said, "This makes me proud to be a federal judge again, to have this kind of group I'm associated with."

Hicke: That again sounds as if he had had some doubts.

Williams: Right. You sit and work by yourself and you don't have much contact with anyone, particularly in a small district where there are one or two judges. That was really touching, very impressive. Chief Justice Burger wouldn't let us go in the Supreme Court building, so we had the conference at the Mayflower, and Reagan was down camping with some senator in South Carolina so he wasn't at the White House and we had a special tour of the White House.

The second conference when Rehnquist was chief. He said, "You bet." We had a reception in the Supreme Court. And George Bush said, "You bet," so we had the reception in the White House.

Hicke: It must be very rewarding for all of the judges to have this additional contact.

Williams: Oh yes. I was talking with some of the Supreme Court justices and I just went up to [Byron R.] White and I said, "Hello Justice White, my name is Spencer Williams."

He said, "Oh, you are the guy who's responsible for us being here."

I said, "Wow!" Then I was talking with Justice [John Paul] Stevens and I was talking with David Souter. Justice Stevens is a golfer so we get a chance to play golf as well. Kay was talking to his wife Mary Ann, and Kay said, "I guess you come to the White House often." She said, "No, we haven't been here since he was sworn in." So they were delighted to be invited to this reception.

They got invited to the White House, too. It was great. We had all of the Supreme Court justices there, [Richard] Cheney was there, and the head of the FBI and George and Barbara--I don't call them the President and Mrs. President. That is so stimulating, to be able to go back and have that kind of treatment.

My theory was that we would have a meeting every four years in Washington and the Judicial Conference or the Federal Judicial Center would have a joint meeting of all of the circuits every four years in Washington. That one would be paid for by the government and we'd cancel our own circuit conferences which we have every year and every fourth year go to Washington. So every two years you would have a gathering in Washington of federal judges.

So we could go every other year, but one would be ours and we would pay our own way and the other would be an official deal.

The head of the ABA agreed with me on the first time and he went out of office and forgot about it, since we were doing it so successfully by ourselves and I wanted to have it the year after each presidential election. This is something I have been working on for the future. We could have it so the new president or the re-elected president could talk to all of the judges and the new chief attorney general could talk to all of the judges and other people and the committee and the chairman of the committee, and we could have a lunch for these: one for the chairman of the Senate and one for the chairman of the House Judiciary Committees. If we were there every fourth year when the new people are coming in, it would be a chance to get us all together. They would be interested in talking with us all at once. You could then have the off year when the feds finance it.

I think more than every two years is too much. Maybe every two years is too much anyhow. It's gets to be old stuff.

We also have a cocktail party reception on the Hill for Congress every time we go, too.

Hicke: Has there been any other contact with the Federal Judicial Center?

Williams: Well, Bill Schwarzer, who was a judge here, is head of it now. It was his office that asked for this letter to the Russian judges. He helped put on the celebration of the Bill of Rights, or one part of the program, down at Virginia. I was talking about it ahead of time, about what's going to happen to all of these countries in Europe trying to create a democracy, what's probably going to happen to the judiciary? He was way ahead of me. He was on top of that. He had people sit over there and brought people over to give information about how we operate. So we are in personal contact.

He had also called a meeting of all of the judges involved in asbestos litigation, of which I have been a part. We met in Washington to try to address the overall program. But he's been in sort of at battle with the AO because the territory hasn't been too well defined and the chief justice formed a special committee to work out the differences. That is a very important function because the Judicial Center sponsors the judicial conferences, they do the programming, and they also have midwinter workshops which they handle. This year they are going to combine three or four groups. I think every year now they have three or four groups get together on a midwinter workshop, which will be an advantage, I think.

Yes, we do work closely with him, and I imagine his successors, too. I think the reason Levi didn't go forward was that we still had the lingering animosity that hadn't been completely overcome.

More on *In Camera*

[Interview 3: September 5, 1998] ##

[This interview was conducted in order to update the history of the Federal Judges Association.]

Hicke: Let's start with the goals of the *In Camera* newsletter.

Williams: It's to make a space available for information to judges that they would use when it is not otherwise available. We have regular reporters, like the president, the legislative representative, and the treasurer. They can make regular reports so that they have a vehicle for reaching the membership and all the nonmembers who are receiving it.

We also have these opinions from the AO [Administrative Office] that are great. Marilyn Holmes is on the Code of Conduct Committee as counsel; she was on the committee when I was on the Code of Conduct Committee. So they have issued to all the judges copies of the opinions she's written--six or seven opinions--on code of conduct issues. And now they are in *In Camera* too. It's a way to get that information out to everybody.

We just recently stopped sending the newsletter to judges who are nonmembers on the theory that we have really not convinced them to join. I don't know if you saw my latest column. We're probably telling them in writing that we're not sending it to them, but they are probably not reading it! So how would they know they aren't going to get it if they aren't reading it? [laughing]

Hicke: All the problems of an editor.

Williams: I got a letter from Ralph Mecham. He thought that I had said, Unless you are a member of the FJA, you won't receive the newsletter any more. He said, "I'm not a member but I'd really like to read it; I enjoy reading it. So I wrote and said, "You are our premier leader and I'm certainly not going to take you off our mailing list. As long as you don't take me off the mailing list of your newsletter, *The Third Branch*, I won't take you off mine." We made a deal.

Hicke: Sounds like a fair exchange.

Williams: He likes to know what you're doing, and is interested in knowing about some things in which I feel a little differently. So I like to get the slant from other people. And we have the officers making reports on our activities, so that's also good for him to know.

Hicke: Tell me about your associate editor, Joe Kendall.

Williams: I think he has done an article in about two or three issues. He's a young person who volunteered, and he wanted to help and so we made him associate editor and he's done some nice work. He said, "What should I write about?" I said, "You decide what you want to write about and we'll print it." He has been teaching at the school for new judges--I call it the boot

camp for new judges--so I said, "Why don't you talk about the boot camp of judges? You know, what you tell them, how it goes, and what the response is. Every judge has been through it, but so long ago that this might refresh their ideas and it will be interesting." But I like him to choose the topics for his articles, and mine is just about the routine stuff I have to deal with. We get a lot of readership.

Hicke: I expect it was your idea to include the humor, which adds a lot, I think.

Williams: Oh, yes. It's fun to get that. Judge Buchmeyer volunteered and we're just delighted to have it, because he's so funny. He's funny personally, too--a very, very funny guy.

Hicke: But it was your idea to start it, right?

Williams: Yes.

Hicke: Well, just in general then, your idea is to keep in touch by means of the newsletter?

Williams: Yes. We ask all the FJA officers to write, then we have our lobbyist write a column, and also, to the extent that we can cover what the federal judges are doing, if any individual writes something, we'll put that in too. Certain things are repeated in each newsletter, and people are used to seeing those repeat columns by the president and the lobbyist. In my column, I can write almost anything. I call it *Sidebar*, because sidebar in judicial terms is when a counsel comes over to the bench to discuss a problem out of the presence of the jury.

But the sidebar in the newspaper field is an article; they have a little black line around it, boxed off, and it is a summary of what the article is about.

Hicke: We've got sidebars in the FJA history, too.

Williams: Yes, that's right. My brother is editor of a magazine, and he told me what a sidebar is. I called my column *Sidebar* before I knew about the other kind of sidebar.

Hicke: It works nicely both ways. What kind of feedback do you get from judges that read this?

Williams: Moderate. A lot of people comment about what they've read, but I don't get much correspondence.

Hicke: Does anybody complain?

Williams: We haven't been nasty to anybody yet, so they shouldn't. [chuckling]

Hicke: Well, you're doing something right!

Williams: Not doing something wrong, anyway. People have commented, "Oh yeah, we appreciate getting this and that," and so forth, but I don't get any fan letters and I don't get any criticism. It just goes out, and I haven't heard any complaints. We do get judges who tell us that they look forward to reading each issue.

It comes out about three times a year, and we hope for four, but when they really wanted four, it got tough to get that extra one out. Adding the fourth one is really tough, because you have to get it together and get people to write material. I like to call it a quarterly that comes out approximately three times a year.

Hicke: It would be hard to call it a thirdly!

Williams: [laughing] We could have a contest: What do you name this thing that come out three times a year? I'd give a free subscription to the winner.

Hicke: Oh, that's a good idea. I'm going to watch for that.

Williams: Well, we'll see. There are lots of things to write about. I'm going to do one on this "Bash for Cash" thing about attacking judges whose opinion you don't like.

Hicke: You had some really good articles, I thought, on the judges' financial expenses and their taxes and things like that. So the object is to provide some useful information.

Williams: Yes, that's right. We will discuss a topic not only if they're interested in it, but if it can help them. It's very important if we can do it. Then if we point out situations that come up, maybe a problem that they can then avoid. It's a service to all the federal judges.

I think that what we should do is send our FJA history out to every judge, because they'll want to read it and they'll remember when they read it how important this organization is. They could just have it in their chambers because it's a good thing to be able to refer to it. We have sent it out in the past, and judges are quite surprised at how helpful it is to learn more about the FJA.

Hicke: I think they ought to know what you're doing.

Support from Kevin Forde

Hicke: I know that Kevin Forde has represented the FJA and done an excellent job.

Williams: He has never charged us a thing for all the representation. I said he ought to bill us. After we won *Hu Will* case we had a meeting down in San Diego, and Kevin had only charged less than the usual fee. We had to beat him over the head to take anything at all.

Hicke: Who found him?

Williams: He was brought into the first case by Bill Campbell, a very distinguished judge in Chicago.

International Judges Association

Hicke: Tell me about the International Judges Association.

Williams: I met with people of the International Association of Judges [IAJ] in Europe and was very impressed and reported to the FJA about its meeting in Greece. So we invited the president of the IAJ to come here and meet with us. He brought his son over, and we met in Washington, and he came to a meeting we had. I took him over to the Supreme Court and introduced him to Tony Kennedy and they had their picture taken and so forth.

The first thing he did after he got to Washington was to take his son over to the Holocaust exhibit. It really opens your eyes.

The IAJ wanted to include in its membership a judicial organization that would represent the whole USA, and since none of the state bar associations qualified and the FJA did qualify, we were invited to join. However the board wouldn't do that because they thought it would cost us too much money to put on one of their conferences. I said, "They can't come unless we invite them, and we're not obligated." But they said no at the time. Later the board decided to cooperate with them and we did join. That's good, because foreign lawyers are really anxious to know more about our system. The relationship is good to have, so we are learning how they do things and they are learning how we do things.

Earl Britt went to this last meeting. I was supposed to go but I got sick and couldn't. We'll be invited again to the next one, because we've paid our dues and we are members. A lot of them want to come to the United States, so we will eventually host a meeting.

Hicke: What takes place at the meetings?

Williams: Well, they discuss various problems and procedures, and they have educational seminars to show how different countries do things differently. It's exchange of ideas, lectures on certain legal questions. It's interesting how different the common-law countries are from the civil-law countries.

Hicke: Does the civil law come from the Napoleonic Code?

Williams: Yes. In those situations, the judge does all the work. He does all the questioning of witnesses; he has to analyze the evidence. It's entirely different from our system. So they are interested in our system, and it's informative to know what theirs is. Some of our judges go over and sit in their chambers, and they may come here and sit on the bench with us.

At an ABA meeting in San Francisco several years ago I met this fellow from England. He was representing the London Bar Association. He said, "Why don't you come over and visit us?" So we went to London and were at the 'Quit Rent' ceremony, the second oldest ceremony in Great Britain. I sat with him. They have the common-law system which we copied, of course, and it's very interesting the way they function. They have the barristers and solicitors, which have separate functions.

Hicke: Has anybody from the FJA given a seminar, or have you mostly participated in discussions?

Williams: No. But now that the FJA is a member, there will be more exchanges.

Hicke: Tell me about the trip to Athens.

Williams: My wife and I were going to be in Budapest, and the IAJ wanted us to send a representative down to their meeting, so I said we'd go. I had been to the IAJ meeting in Greece, so I knew some of the people. I had a real nice visit down there, met some of the other people; they were very cordial. They have it divided into three sections, and they've assigned responsibility ahead of time for programs to be put on, so it's well organized. Having nationwide scope helps us and helps them to see what we are doing. Some countries don't have a constitution; that's a problem.

The IAJ has membership all over--South America, Asia. I went to Czechoslovakia for the U.S. Information Agency to talk to some people who wanted to form a judges association, so I told them about our pay raise and what we were doing. Then about three years later, I was down in Palm Springs and I got a call from Tom Railsback, who was down there too. He said, "There's a group of judges from Czechoslovakia here. Why don't you come and have lunch with us?" So I went, and some of the people were ones I had met before, and they had formed an association. One woman told me, "And now we have our salary tied to the legislative body." [much laughter]

I said, "Well, it may be a temporary advantage, but I think in the long run it will be a mistake!" [laughter]

Hicke: But she was happy, right?

Williams: Oh, you bet. They had gotten a pay raise that way.

Hicke: That's a great story! What about your trip to China?

Williams: It was interesting. I went to see a Chinese judge and we talked about legal procedures. He said, "We never get acquittals here. The only people who are charged and tried are guilty, and all the lawyer does is try to reduce the sentence."

Hicke: There's no such thing as presumed innocence?

Williams: No. There is in common-law countries, but not in many others.

Hicke: Were they interested in expanding their concept a bit?

Williams: I think they figured it would be futile, but they certainly respected it. They thought it was excellent; freedom of the press also. By cooperating with them I thought maybe we could help. Especially with the younger lawyers, who might, in time, be in positions of influence. They need to know more about the opportunities in law. Both sides can benefit by knowing what the other side is doing.

Hicke: I think you went to Spain also with the IAJ.

Williams: We entertained the judges there at dinner the first night. Then they had a dinner for us on a later night. We also visited one of the chief justices in his chambers, and I have some pictures of that. They are very cordial, very cooperative, and very friendly. I think more of this is always helpful. [We also visited the Ambassador and were briefed on problems.] One time when we were in Austria, they took us into the courtroom and we sat up high and watched the case being tried.

Quadrennial Conferences

Hicke: The next topic is the Quadrennial Conferences.

Williams: Yes. We have one coming up.

Hicke: I have been told that at the last one, judges were lined up in the rain in order to get into the White House reception. Those kinds of anecdotes would go well in the history.

Williams: Yes. It was a great reception, and Bill Clinton was his charming self. He said he was for judicial pay raises, so that was popular with all the judges, but he hasn't done anything about it. I should get you some of the programs; we've had some great speakers there.

Support From Individuals and Organizations

Hicke: What kind of support has the FJA been getting after its formation?

Williams: Well I told you Chief Justice Warren Burger initially wrote everyone a letter saying, "Don't join Spencer Williams's organization," although he later changed his mind. But after him, Chief Justice William Rehnquist has been very supportive. He has come to our meetings and been a speaker; and he attended the cocktail parties we held at the Supreme Court. They were also invited to come to the White House reception, and I told you that Justice Stevens told Kay he hadn't been in the White House since he'd been on the Supreme Court. So he appreciated the fact that we were able to set that up.

Hicke: What about the media? What has been their reaction to the FJA?

Williams: Very little. I don't know if they know much about us. We invite them to our conference, and there have been some stories, but not much, good or bad.

Hicke: I know that the ABA put the chief's supportive speech on the Internet.

Williams: We have quite a few regional bar associations that have joined with us on the brief--the San Francisco Bar, the Chicago Bar, California Bar, Connecticut Bar, and others. So we get a lot of support from lawyers. Rehnquist went to Congress a couple of years ago and said we need the pay raise. Congress would like to see us get a pay raise, because then they would get one too. So I don't think there's a lot of opposition in Congress to a pay raise.

Hicke: Tell me about Congressman Henry Hyde--I know he's been active.

Williams: He's always been very supportive of the judiciary and pay raises. Of course, he's a very important congressman as chairman of the judiciary committee. He's well aware of the problems and needs that face the judges and the system itself.

We've had a great response from our congressmen when we talk to them individually.

Hicke: I believe you were on the Code of Conduct Committee.

Williams: I'm off that now.

Hicke: Last year they adopted a new code.

Williams: That was a code for the judicial employees, not for the judges, but they made it applicable to other federal employees so they have the same strictures on their performance. They can't take sides; they have to be impartial and so forth. It applies the rules for the judiciary to all employees.

FJA History

Hicke: You are going to decide about the title for the FJA history?

Williams: The reason we're organized is to protect against intrusion or intimidation from any source, which is really to protect judicial independence.

Hicke: That will probably be the theme of the last chapter.

Williams: We're organized to provide equal justice under the law, which means we have to have the power and independence to do so. There's one example I used to give when I talked about it in Europe. It was during the Korean War. The North Koreans were coming across the Yalu River, the U.S. Marines were in retreat, and the unions were on strike and had stopped making the necessary weapons to sustain the defense. President Truman understandably took over some defense industries and ordered the unions back to work. The unions brought a lawsuit, and a U.S. district judge, who'd been appointed by Truman, said, "Mr. Truman, you have no authority to do that. The Constitution does not allow you to summarily issue such an order, no matter how pressing the circumstances." So Truman said, "Okay, union members don't have to go back to work."

Congress rapidly passed a statute that allowed him to do it, but here was a judge who said, "I'd like to solve your problems, Mr. President, but there's no existing authority for my issuance of such an order."

Sometimes people say judges make law. Well, judges have many difficult cases to decide, and unless they have some existing statute or case law or rational theory to apply, they can't just make law to resolve the problem.

Hicke: That's a good illustration.

Williams Lawsuit

Hicke: Tell me about your most recent lawsuit.

Williams: We took a survey on the litigation about a year ago, and most were in favor of suing if Congress declines to give us a pay raise. Some wanted to wait until they actually turned us down, but we decided to go anyhow. And some judges felt we shouldn't get involved. I don't begrudge them their opinion, but I felt that the importance of what we're trying to protect is worth it.

Hicke: Is there any regional difference in the reactions?

Williams: I haven't noticed any.

Hicke: It's pretty individual?

Williams: Yes. One guy at our last meeting stood up and said, "It's a terrible case and a terrible complaint." I said, "Have you read it?" "No." [laughing] I sent him a copy of the complaint, and he later changed his mind and now is very much in support of the case.

Hicke: I think that covers all my questions for now.

Williams: Well, if you have any more questions, you can call me.

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Spencer M. Williams

THE HUMAN RELATIONS AGENCY:
PERSPECTIVES AND PROGRAMS CONCERNING
HEALTH, WELFARE, AND CORRECTIONS, 1966-1970

An Interview Conducted by
Julie Shearer
in 1982

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PREFACE

California government and politics from 1966 through 1974 are the focus of the Reagan Gubernatorial Era Series of the state Government History Documentation Project, conducted by the Regional Oral History Office of The Bancroft Library with the participation of the oral history programs at the Davis and Los Angeles campuses of the University of California, Claremont Graduate School, and California State University at Fullerton. This series of interviews carries forward studies of significant issues and processes in public administration begun by the Regional Oral History Office in 1969. In previous series, interviews with over 220 legislators, elected and appointed officials, and others active in public life during the governorships of Earl Warren, Goodwin Knight, and Edmund Brown, Sr., were completed and are now available to scholars.

The first unit in the Government History Documentation Project, the Earl Warren Series, produced interviews with Warren himself and others centered on key developments in politics and government administration at the state and county level, innovations in criminal justice, public health, and social welfare from 1925-1953. Interviews in the Knight-Brown Era continued the earlier inquiries into the nature of the governor's office and its relations with executive departments and the legislature, and explored the rapid social and economic changes in the years 1953-1966, as well as preserving Brown's own account of his extensive political career. Among the issues documented were the rise and fall of the Democratic party; establishment of the California Water Plan; election law changes, reapportionment and new political techniques; education and various social programs.

During Ronald Reagan's years as governor, important changes became evident in California government and politics. His administration marked an end to the progressive period which had provided the determining outlines of government organization and political strategy since 1910 and the beginning of a period of limits in state policy and programs, the extent of which is not yet clear. Interviews in this series deal with the efforts of the administration to increase government efficiency and economy and with organizational innovations designed to expand the management capability of the governor's office, as well as critical aspects of state health, education, welfare, conservation, and criminal justice programs. Legislative and executive department narrators provide their perspectives on these efforts and their impact on the continuing process of legislative and elective politics.

Work began on the Reagan Gubernatorial Era Series in 1979. Planning and research for this phase of the project were augmented by participation of other oral history programs with experience in public affairs. Additional advisors were selected to provide relevant background for identifying persons to be interviewed and understanding of issues to be documented. Project research files, developed by the Regional Oral History Office staff to provide a systematic background for questions, were updated to add personal, topical, and chronological data for the Reagan period to the existing base of information for 1925 through 1966, and to supplement research by participating programs as needed. Valuable, continuing assistance in preparing for interviews was provided by the Hoover Institution at Stanford University, which houses the Ronald Reagan Papers, and by the State Archives in Sacramento.

An effort was made to select a range of interviewees that would reflect the increase in government responsibilities and that would represent diverse points of view. In general, participating programs were contracted to conduct interviews on topics with which they have particular expertise, with persons presently located nearby. Each interview is identified as to the originating institution. Most interviewees have been queried on a limited number of topics with which they were personally connected; a few narrators with unusual breadth of experience have been asked to discuss a multiplicity of subjects. When possible, the interviews have traced the course of specific issues leading up to and resulting from events during the Reagan administration in order to develop a sense of the continuity and interrelationships that are a significant aspect of the government process.

Throughout Reagan's years as governor, there was considerable interest and speculation concerning his potential for the presidency; by the time interviewing for this project began in late 1980, he was indeed president. Project interviewers have attempted, where appropriate, to retrieve recollections of that contemporary concern as it operated in the governor's office. The intent of the present interviews, however, is to document the course of California government from 1967 to 1974, and Reagan's impact on it. While many interviewees frame their narratives of the Sacramento years in relation to goals and performance of Reagan's national administration, their comments often clarify aspects of the gubernatorial period that were not clear at the time. Like other historical documentation, these oral histories do not in themselves provide the complete record of the past. It is hoped that they offer firsthand experience of passions and personalities that have influenced significant events past and present.

The Reagan Gubernatorial Era Series was begun with funding from the California legislature via the office of the Secretary of State and continued through the generosity of various individual donors. Several memoirs have been funded in part by the California Women in Politics Project under a grant from the National Endowment for the Humanities, including a matching grant from the Rockefeller Foundation; by the Sierra Club Project also under a NEH grant; and by the privately funded Bay Area State and Regional Planning Project. This joint funding has enabled staff working with narrators and topics related to several projects to expand the scope and thoroughness of each individual interview involved by careful coordination of their work.

The Regional Oral History Office was established to tape record autobiographical interviews with persons significant in the history of California and the West. The Office is under the administrative direction of James D. Hart, Director of the Bancroft Library, and Willa Baum, head of the Office. Copies of all interviews in the series are available for research use in The Bancroft Library, UCLA Department of Special Collections, and the State Archives in Sacramento. Selected interviews are also available at other manuscript depositories.

July 1982
Regional Oral History Office
486 The Bancroft Library
University of California at Berkeley

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On behalf of future scholars, the Regional Oral History Office wishes to thank those who have responded to the Office's request for funds to continue documentation of Ronald Reagan's years as governor of California. Donors to the project are listed below.

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*deceased

INTERVIEW HISTORY

In 1966, after losing a close race for state attorney general, Spencer Williams was offered several posts in the administration of newly elected Governor Ronald Reagan. Williams had worked with Caspar Weinberger on the proposed reorganization of the state government's three superagencies for resources, human relations, and business and transportation. Williams was leaning toward the box on the organizational chart that contained the Highway Patrol because it seemed closest to law enforcement. However, he was advised by a longtime friend to take the Youth and Adult Corrections Agency and the Health and Welfare Agency "because that is the toughest and that will get you more press, and you can demonstrate your ability." Williams decided to "go for broke" and, when asked whether he wanted Health and Welfare or Corrections, he said, "Put them together."

The resulting superagency, later renamed the Human Relations Agency, employed 48,000 people and operated under a budget of \$3.5 billion. Indeed, the challenges, the controversy, and the press coverage were unrelenting. In the interview that follows, Williams (now a U. S. District Court judge) reflects on the stormy formative years of the agency during his tenure with the Reagan administration, from 1967 until 1970 when he resigned to run again for attorney general.

Some of the controversies were partly inherited, such as the issue of funding for the Medi-Cal program. Both the projected \$160 million deficit and Williams' subsequent discovery of a \$60 million surplus were roundly criticized and some of the remedies he proposed to effect economies in the program were tested in court and found wanting. Some controversies went with the territory in carrying out the governor's pledge to "tame the welfare monster" by restricting eligibility, creating work incentive programs, and adjusting federal "disregards."

Other controversies grew out of Williams' own special enthusiasms, such as the delinquency early warning system (DEW), a screening program he proposed which was based on a psychological test intended to uncover "criminal tendencies" in primary school children.

Controversy notwithstanding, Williams retains a fundamental optimism in reviewing the challenges and achievements of the agency he headed. Williams also comments on the closing of the state mental hospitals and dispersal of patients into the counties for local treatment, a move which took place during his tenure, as part of the governor's campaign promise to cut state spending. Williams also describes the use of task forces in the decision to consolidate the Departments of Mental Hygiene, Public Health, and Health Care Services into

a single Department of Health. He recalls members of the governor's staff and describes relations between the governor's office and agency heads, in particular, how geographical proximity and agency mission seemed to affect access to the governor and his top staff.

Two interviews were conducted with Judge Williams in his office in the Federal Building in San Francisco. The first was on February 12, 1982, and focused on the judge's entry into politics, the attorney general campaigns of 1966 and 1970 and reorganization and administration of the Human Relations Agency and relations with the governor's office. In interview two on February 22, Williams fleshed out a picture of key members of the Reagan administration in the first term in corrections and welfare reform. He recalled the satisfactions of his assignment and the accomplishments of the Human Relations Agency.

Over the next 12 months, the tapes were transcribed and edited lightly. Heavy court responsibilities fully occupied the foreground for the judge for the next fifteen months. When space in the judge's calendar opened up for reviewing the transcripts, they could not be found. After a thorough search by the judge's able staff proved fruitless, additional copies were sent in February 1985. The judge performed a careful editing and asked that the retyped final version be sent to him for an additional review. This was done and the approved version was returned in June 1986 ready for printing and binding.

Julie Shearer
Interviewer-Editor

June 1986
Regional Oral History Office
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RESUME
(Summary)

Judge Spencer Williams was nominated by President Richard M. Nixon and by and with the consent of the Senate appointed to the office of United States District Judge for the Northern District of California on July 29, 1971.

At the time of his appointment, Judge Williams was engaged in private practice in both Sacramento and San Jose.

Before entering private practice (1970), Judge Williams had served from 1967 to 1970 on Governor Ronald Reagan's cabinet as Secretary of the State of California's Human Relations Agency (now Health and Welfare Agency).

In 1966 Judge Williams was the Republican nominee for office of Attorney General, losing in a close contest to the incumbent Democrat. Prior to his entry into partisan politics, Judge Williams had served as County Counsel of Santa Clara County (1955-67) and Deputy County Counsel (1950-55).

The Human Relations Agency included nine major state departments (Mental Health, Public Health, Rehabilitation, MediCal, Social Welfare, Employment, Industrial Relations, Corrections, Youth Authority), numerous boards and commissions, employed 48,000 persons, and was allocated \$3.5 billion of the State's then (1967-68) \$5 billion budget.

As County Counsel Judge Williams served as Chief Counsel for the Board of Supervisors of Santa Clara County, the County's various Officers, Departments, Boards and Commissions. In addition, he was counsel for the County's 48 separate school districts and a number of its Fire Districts, Sanitation Districts, Water Conservation and Flood Control District, and many others. His staff numbered in excess of thirty persons, of whom 15 were full time practicing attorneys.

During his time as County Counsel, Judge Williams was elected President of the California District Attorneys' Association (1963-64) and President of the National Association of County Civil Attorneys (1963-64).

Judge Williams is a veteran of Naval service in the Pacific during World War II and of the Korean conflict.

He is a graduate of UCLA (1943) where he was a member of the basketball team, later graduating from Boalt School of Law from which he received his Doctor of Juris-prudence degree (1948).

Judge Williams is married to the former Kay Bramlage of Santa Barbara, whom he met while attending UCLA. They have six children.

I BACKGROUND

[Interview 1: February 12, 1982]##

Family

Shearer: Could you tell me your parents' names and where you were born.

Williams: I was born in Redding, Massachusetts on February 24, 1922, in a snowstorm. [laughs] I was born at home. My mother's name was Anabel Lee Hutchison. She had been born in Texas, and her parents died at an early age and she ended up in Massachusetts being raised by two maiden ladies who were friends or acquaintances of her father. My dad's name was Theodore Ryder Williams. He was born and raised in Malden, Massachusetts, and his family had come from Maine a couple of generations before. My mom died last year at the age of eighty-five. My dad died in 1951 at the age of fifty-eight.

Shearer: Then when you grew up, it was in Massachusetts?

Williams: Until I was four. At the age of four, my father, who was in the banking business, moved to New York and we lived on Long Island. There were six kids in the family. Some were born on Long Island, but in any event, I was the third of six. I lived on Long Island until 1939 and in '39 I had graduated from prep school in New Hampshire. My dad went from the banking business into the motion picture industry.

Shearer: Is that when he came to California?

Williams: He came to California. He actually went into the business in about '37 in the business end and that was mainly headquartered in New York. He was with Educational Films, a Fox subsidiary. He was put there

##This symbol indicates that a tape or a segment of a tape has begun or ended. For a guide to the tapes see page 91.

Williams: by the bank. He was with, I think, Chemical Bank. They loaned a couple of million dollars to Educational Films and a condition of the loan was that he be the treasurer to make sure they paid it back. Their big star was Shirley Temple. I met Shirley later in Los Angeles and now I know her in Woodside. But she was a little kid in a film, I think, called Diaper Derby or Baby Burlesque or something. She was about three years old and they had to read her one line at a time and she would repeat it.

In any event, he became acquainted with the people in the industry and got a contract as a motion picture producer, and then we came to California in '39. In those days, the main function of a producer was to raise the money--and he could do that--and then hire a director and select the stories.

College and Military Service

Williams: So I came to California in 1939 and entered UCLA. I crossed the Mojave Desert the same night Hitler invaded Poland. I went to UCLA, and in 1943 left in March to go to midshipman school in Chicago and then became a navy officer and won the war [laughs] and went to law school.

Shearer: That's quite a telescopic summary of your military career. Did you leave short of graduation?

Williams: I went before graduation but it was March and they gave us our diplomas afterwards.

Shearer: I see, they knew that you were going--

Williams: I was called to active duty and they just said that I'd finished all except part of the last quarter or semester, and they issued me a diploma when my class graduated. So I was able to avoid the last set of finals. [laughs] That's nice!

Shearer: But for a far larger test.

Williams: Yes. [coughs] Excuse me, I have a little cold here. I was commissioned in Chicago on August 20, 1943 and was married the same day to my college sweetheart, Kay Bramlage. Then after a brief honeymoon of about five days, I went overseas on the heavy cruiser Chester in the Pacific. I got out in '45 and started law school in January of '46 here in San Francisco.

Shearer: Did you have any time to take a breath?

Williams: No breath!

Shearer: Had you planned to go to law school upon graduation? Was that on the horizon for you?

Williams: No, it wasn't. I really had no particular plans when I was at UCLA. The theory was then that you go to school to get an education and you don't let your studies interfere. I got my C average, that's all I was seeking, and played basketball for UCLA and did all the other things that the guys do in college--most of the other things! But my dad said that he had met some lawyers and that the law is a good profession. I was thinking of becoming a motion picture director, but he became disillusioned with the motion picture industry and said that it was a real cutthroat industry and that he thought the law was better.

Then I went in the navy thinking I'd try to become a navy lawyer. The navy really appeared to be my cup of tea for a permanent career. However, I served all my active duty in the Pacific. But when I got out I did go to law school. Then about two years after I graduated, I went back on active duty during the Korean War, so I was a navy lawyer for about two years and had a chance to be commissioned a regular navy officer and to stay in the navy. But I decided I'd rather be a civilian and go back to California.

Shearer: Does being a navy lawyer mean essentially being the prosecutor?

Williams: Prosecution or defense. Also they do a lot of administrative law. I was stationed in the Pentagon during the Korean War, and they have a lot of administrative law there and contract law and that sort of thing. They do a lot of legal services for the dependents of naval families in various bases. But a large part is the court martial process.

Shearer: Was that a formative experience, do you feel?

Williams: Oh, yes, very formative.

Shearer: The courts martial?

Williams: I wasn't involved in that because I was stationed in the Pentagon and I was involved in--it was just an accident. I was on my way to the School of Naval Justice in Newport, Rhode Island, from San Jose and I had what they call proceed orders, so I decided to drive. I was supposed to report to Washington. I was entitled to six or seven days. By the time I got to Washington, it was too late to make it to the School of Naval Justice. So they put me on temporary duty with Herb Schwab, a commander, who was the administrative officer of the navy JAG.

Shearer: That's the judge advocate general?

Williams: The Judge Advocate General's Office--JAG. My assignment was to help implement the new Uniform Code of Military Justice. That's the first time the law required that defendants have attorneys during the prosecutions, and that the prosecutors and the military judges be lawyers. So the problem was how were we going to find out where the lawyers were in the navy and how could we spread them around so that they could be available for court martial activities. So I worked out a plan and that went all the way through up to the JAG and he approved it. Then they put me on other types of duties. I was assistant personnel officer concerned with officer assignments. I was also the war bond officer, the blood donor officer, the officer in charge of the naval reserve program, and a few other things. So I served my Korean duty in the Pentagon.

Shearer: I am struck by your description of your crossing the Mojave desert as Hitler was invading Poland. What drew you into politics? Did that perception play any part?

Williams: No, it didn't. It was just sort of an interesting event. In those days, we didn't have air conditioners in our cars, so we would leave Las Vegas about 2:00 in the morning and drive across the desert and try to miss the heat. The radio was talking about this big invasion. The experts would come on and say, "The Polish cavalry is the greatest cavalry in the world and the German tanks are going to get mired down in the mud and the Poles are just going to kill them!" Can you imagine?

Shearer: Such a debacle it was.

Williams: Oh, yes, but that was '39 and we were all unaware of what was really going on. In '39, '40, '41, and '42, the world was blowing up and we were just out there watching. But on Pearl Harbor day (I was actually babysitting in Beverly Hills) it became a very exciting time. So I enlisted in what they called a V-7 program. That was an officer candidate program. So I signed up in March of '42 and they kept me at school until March of '43 when I was called to active duty. But that was a real experience. I mean I thought the war service was a great experience and as a judge, later during the Vietnam War, I would tell these people who were resisting the draft that it would be a great, rewarding experience. They should join and voluntarily go in. Only about one-tenth of one percent ever got injured and only about ten percent of them saw combat and it was just a great growing up experience. Some I convinced and some I didn't.

Shearer: The part of the experience that seemed most fruitful to you was the experience of being in a large, well organized--or not so well organized depending on your point of view--structure and being placed in unfamiliar surroundings and challenged to do things you had never done before?

Williams: That's a lot of it, yes, it is--being given new responsibilities and asked to do jobs and being able to do jobs and do them well. As a naval officer on this heavy cruiser, we had about a hundred officers and a thousand men, so it wasn't a huge operation. But we got into some pretty heavy combat and had to make some decisions under stress and we had to be able to inspire our men to do their jobs and keep the equipment prepared. We had experiences of seeing other parts of the world and living in close quarters with a bunch of men and being able to adjust ourselves when we were in conflict and that sort of thing. We traveled to the Aleutians and we traveled to the Philippines and Saipan and [were] actually involved in the occupation of Japan.

Shearer: So you saw active duty.

Williams: Oh, yes, I think we were engaged in seven or eight major battles. My first operation was the invasion of Tarawa. [spells name] There were various landings through to Iwo Jima and Okinawa and also we bombarded the Kurile Islands up north of Japan. We were down below the equator in Funafuti and around and about. I wrote a poem on it, called "Peace in War"--I said war is bad, but it's not all bad because life is pretty simple. You know what to wear everyday, you know what your job is, you don't worry about getting fired, and when you are on liberty or on leave, all you have to do is have fun. You know your job is waiting when you go back and you know that your cause is right and the other side is wrong and it's all decided. You just try to do your job. So there are some easy parts, some different parts of war that being in the military during the wartime--you are all inspired and you love your country and don't question it and the other side is all bad guys [laughs] and you want to beat them up and so forth! It solves a lot of problems, at least when you're young. I don't think when you're older it's the same, but when you're young it is...

Shearer: What made you decide to actually enter politics? You came back from the war, you were married--

Williams: I was married and went to war and came back and went to law school. I went the first year to Hastings and the last two years I was at Boalt Hall in Berkeley and decided to move to San Jose. I only knew two people down there--the best man at my wedding, my roommate in midshipman's school, and my wife's uncle. But an acquaintance indicated that San Jose was pretty much regarded as the hot spot of the coming area of California, and that there were lots of opportunities in a growing, aggressive area. So into my second year of law school, I went down and talked to people, talked to the district attorney, and then after I graduated, I moved to San Jose and associated with two lawyers. Even before I passed the bar, I was doing some tax work for them. I was going to be a tax specialist. Then, later, the partnership broke up, and I went to work as an attorney for the county. I first registered nonpartisan. I had been a Republican all my life, but I didn't want to go down there and be committed one way or the other.

II POLITICAL CAMPAIGNS

Williams: After awhile, I decided to be a Republican again and I registered and became involved in the party. There was no problem with that. Even though I was a government employee, there was no prohibition against that. So the assemblyman whom I knew quite well--Bruce Allen--decided to run for the senate seat. It was occupied by a Republican, but he didn't think that the Republican was doing his job. So he announced his candidacy. I knew about it in advance and we worked up a plan. So then I announced to run for his seat in the assembly. This was back in 1954. But he changed his mind and came back into the race.

Shearer: Oh, that explains that lopsided figure, that he already had his constituency set up.

Williams: Oh, yes, his people were going to support me for the assembly and him for the senate. We had a sort of arrangement because our power base was the same--the Junior Chamber of Commerce and Young Businessmen and the Young Republicans and so forth. So he came back into the race and I figured, correctly or not, that it wouldn't look like I was really an independent person if he could pull a string and pop me out of the race. So I thought I would rather stay in and lose than to look like I was being manipulated by the party officials. So I stayed in and lost, but as a direct result of that I was appointed county counsel because I am sure that having run for office I made a lot of friends in the county and was aware of political problems and political attitudes, as were my bosses--the county supervisors--who were all politicians. They were all running for office themselves. So I think the experience and exposure persuaded them that I should be the county counsel when my boss went into private practice. Then they jumped me over the assistant county counsel. So I leapfrogged the assistant county counsel to become counsel. I was about thirty-two then.

Shearer: Do you think they might also have looked at the number of votes you polled and figured that the county counsel was a job to keep you busy and out of competition with them?

Williams: No, I don't think they ever thought I would be running for county office. Anyway, that was my first political exposure. Then I got busy being county counsel and I was county counsel about twelve years

Williams: and was not active in politics at all. But I had what now they call a burnout. I was county counsel, and we had a very exciting office. the county was growing rapidly. I started with three lawyers, I think, and ultimately we had about twelve lawyers in the office. The county population grew from 145,000 to about a million. We had to acquire school sites, park sites, flood control sites, highway sites. It was a very active office. We represented all of the schools and their growing problems, and firing and hiring administrators. We represented the county hospital and the sheriff. But after awhile I had such a good staff that I didn't have to do much myself. So then I became president of the District Attorneys Association of California. Then I organized and became president of the National Association of County Civil Attorneys, we called it. Then I said, what is the next government job--law job--I can get. "I don't know, probably attorney for the state."

The Campaigns for Attorney General

Williams: The only way I could be attorney for the state was to become attorney general, and that was an elective office. So I knew Pat Brown and Tom Lynch and all those guys because we worked with them when Pat was attorney general. Then I knew Stanley Mosk because he was attorney general when I was president of the District Attorneys Association. So then the election was coming up. I took a leave of absence from my job and traveled all over the state and talked to Republican leaders up and down and tested the waters and so forth. I didn't take a leave immediately, but I spent a lot of time on it. Then I decided there was a good chance to get the nomination. So I ran. This was when Reagan was running for governor and George Christopher was his main opponent in 1966. I was a northern California candidate and there were two Republicans running against me in southern California. They were trying to make it look like a Christopher-Williams ticket. [laughs] No, no, no way!

Shearer: The southern California people were attempting to do that?

Williams: Yes, southern California tried to make it look that way. But in any event, to make a long story short, I got the nomination and in fact I carried every county in the state for the nomination and got more votes than most of the other candidates. It was a very successful campaign. One of the reasons was that one of my opponents had antagonized the Nixon people very badly.

Shearer: That was--

Williams: Judd Leatham; he's a judge now. He was chairman of the Republican Central Committee in Los Angeles, and when Nixon was running against Pat Brown for governor, he [Leatham] did something--wouldn't put out

Williams: a mailing or something that angered them very much--so they spread the word quietly that I was the one to support. I think that was a contributing factor because we had no money. I think the campaign cost \$18,000 statewide! The primary.

Shearer: Now, you also opposed Deukmejian.

Williams: That was in the second race in 1970.

Shearer: You had known him, I suppose, too.

Williams: Yes, I knew Duke. I met him. When I was in Sacramento with Reagan. I had met most of the Republican legislators while I was running for office. So I knew Duke and he was an assemblyman then. I knew all of the guys and then, of course, I dealt with them as secretary of human relations because the scope of our activities was so broad that it about hit every committee in the assembly and the senate.

Shearer: This is jumping ahead, but was there any coolness between you and Mr. Deukmejian after you opposed each other in the primary?

Williams: Not at all, no. I had been with the governor for three years when I resigned to run again in 1970. So I was no longer in state government. In fact, I encouraged Duke to run. I told him, "I think you ought to run," because he had been interested in this sort of thing and I figured the more the merrier and also he might draw more southern California votes and split them up. I was the only northern California candidate. During the campaign there was no antagonism at all between the two of us and, as it turned out, I ran third, he ran fourth. My main target was Evelle Younger. Then John Harmer came into the race kind of late. But Evelle Younger was the district attorney of Los Angeles, and before the first race (1966) I asked him if he planned to run for attorney general. He said, "No, I have to serve out my term as district attorney." He was a good friend of the publisher of the Los Angeles Times, Otis Chandler.

In the primary, I think in those days the Los Angeles Times endorsed from both tickets. They endorsed me--I don't know if they endorsed Christopher or not--but in any event, in the general election of '66, the Los Angeles Times endorsed Reagan and Lynch, my Democratic opponent. I thought that was outrageous to elect a new governor but hang the old attorney general on him. But the Herald Examiner endorsed Brown and Williams, and I thought that made a lot of sense! [laughter] That was perfectly logical.

Shearer: Yes, a breath of fresh air!

Williams: Anyhow, when I ran the second time--in 1970--the reason that the Times endorsed Lynch in 1966 became apparent. They wanted to keep that spot in Democratic posession, so Evelle could run for it in 1970--thinking ahead.

Shearer: This is the '66 race.

Williams: That's right. So I lost Los Angeles County by the same vote that I lost the state race.

Shearer: And you think the Times endorsement was a powerful force.

Williams: Oh, yes, if I had had the Times endorsement, I would have won. But now I'm not unhappy about it. At that time I was. I think that things turned out better in the long run, but if the Times had endorsed me, I am sure I would have carried the whole state.

Shearer: I was going to ask you if maybe some of the statements by Mr. Reagan favoring the anti-obscenity law deflected support from your campaign?

Williams: No, I don't think so. Ron called me about the day after the final results were in. They didn't come in for about four days; I didn't know whether I'd won or lost. Ron said, "Spence, you can't expect the Democrats to vote for six Republicans in a row." The attorney general is the last listed on the ballot. Actually I believe the attorney general is the second most important statewide officer because of the responsibilities and the functions he has. But he is at the bottom of the ballot. In California, Democrats greatly outnumber the Republicans in registration, so when they crossed over to vote for Reagan, they voted for Finch--and Finch got more votes than Reagan because he wasn't as controversial. Then they voted for Jordan because he had been there forever. Then they voted for Hugh Flourney and Ivy Baker Priest and they got to Williams. You could see the voter drop-off. Ivy Baker Priest didn't know whether she won for about three days, and finally on the fourth day I found out I didn't win. So as Reagan said, "It's the voter drop-off." I think that was the main reason. I had a very low-budget campaign, about \$130,000, but we had good press coverage. We ran a very well-organized campaign and, of course, the governor's big sweep, pulled a lot of us in. I just didn't quite make it.

But another thing, they were talking about doing billboards with the whole ticket like this. Have you seen this before?

Shearer: No, I haven't [examines document]

Williams: This is a handout that they had which showed the California team. They wanted to have a billboard like that, but they were convinced that a billboard with six faces wouldn't sell, so they chose a Reagan-Finch billboard. Governor Reagan said, "I don't want to leave the state on a trip and have a Democratic lieutenant governor take over." So he felt that it was important that the lieutenant governor be also Republican. So those two factors--

*"California's New Team." Undated brochure published by Campaign Headquarters, Dr. Gaylord B. Parkinson, Chairman.

Shearer: Did he feel that by carving off just the two top slots that it would concentrate the vote-getting appeal to be sure that he had a Republican lieutenant governor?

Williams: Right, that was the main objective. So anyhow, that's the way it turned out. The polls showed that I'd get about 28 percent to 29 percent of the vote, and it's very difficult to raise money when the polls say that. Actually, I only lost by about two percent.

Shearer: I wanted to ask one more question on this campaign. The issue that seemed to take paramount attention appeared to be that of organized crime and Mafia intrusion into California. What was the main issue?

Williams: That was one of my main points. But the biggest issue I ran on was the increase in crime, and all attorney general candidates are still doing it. I mean I look at the campaigns since then and all of the attorney general candidates are the same. Of course, I hung it on Brown and Lynch because they were in control and the crime rate had gone up tremendously.

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Shearer: You said you hung it on Brown because the--

Williams: He had been attorney general and then governor for two terms and Lynch had been his sidekick right along and the crime rate actually just soared. I used to say that California has more crime than New York, Pennsylvania, and something else--Massachusetts--put together. And much more than the relative populations. I blamed it on them, that every time they had a problem, they'd ask for a study or appoint a committee, and they weren't really leaders and so forth and so on.

"Delinquency Early Warning" Line

Williams: The main program I was advocating, I called Dew Line--Delinquency Early Warning Line. I said that we should spend more money trying to prevent crime since most of the crime was committed by kids from fourteen to eighteen to nineteen. Actually by studies of a couple of professors up at Harvard, they could see criminal tendencies very early at four or five years of age. They set up a system where the schools could identify these potentials and they could be evaluated and if there were problems then they could have intervention right then and try to prevent the first criminal act. I said the major problem was that these kids were unwanted, were born not wanted and were ignored and sent to school without any training. They didn't know their names, didn't know that they had fingers. They were just terribly disadvantaged that early in life, and got their attention

Williams: and their kicks by being cutups. They just did not really conform to the system. They weren't learning in school. They were getting into trouble and that led them to juvenile hall and then a criminal career. It cost more money to keep a person in state prison and the Youth Authority than it would be to send them to Harvard. So if we could devote resources at the lower end of the continuum of the crime continuum, we might be able to turn it around. That was my program.

When I got to Sacramento, I was able to get a pilot program going on that, but I left before I ever found out how it turned out.

Shearer: What kind of intervention did you hope for?

Williams: I had hoped that we could get some--say a kid who was in high school-- pay him to work with the little kids, sort of a big brother, not an adult. I would give him a little budget and he could take the kid to the ball game and buy him a pair of shoes if he needed it, and if he saw a real problem in a family, he could notify the authorities and they might be able to start working with the family. Now, this is big government intervention, but I thought that was probably the only solution. My theory was that if these high school 'big brothers' could have continued in this program while going through college, the pay would help cover his college education. Then the kids they worked with, as they grew up, if they worked out okay, might themselves become big brothers for other young kids and could earn enough through this program to also get themselves through college, so it would be a cycle situation. I still think that that's where we have to concentrate our efforts, to stop that first crime, to keep them out of the criminal justice system altogether and interested in other things. That was the program. That was my affirmative answer to their program as to what happens in crime.

Shearer: That, as I recall, generated a considerable concern that these kids would be prejudged criminal before they'd ever committed a crime and concern partly from the professional social work community who saw that as an incursion on their jurisdiction and their expertise.

Williams: Also, the schools didn't want to be involved in that. They said, "Look, we want to teach. We don't want to get involved in this sort of stuff." My feeling was that these people would be working with the welfare departments and if they saw a big problem, they would ask the advice of welfare department and they would be able to send out counselors and perhaps work with the family. But it was more of a concept than a detailed plan. But the school people just said, "We don't want to get involved in that sort of stuff. We want to teach." But you can't teach a kid history if he can't read, and that was a big problem.

Shearer: How would the high school senior advisors be chosen?

Williams: Oh, I didn't get that deep into it. You'd select kids who needed the financial assistance and [who] themselves had not been in serious trouble and who wanted to participate. Maybe it wouldn't have worked, but we at least did start a pilot program down in the East Los Angeles area.

One time I went to Cap Weinberger. He was director of Finance. I said, "Cap, I can find \$20 million in the budget that I don't need and you don't know where it is. I'll give it back to you, if you'll give me \$10 million--or if you give me \$5 million, I think it was or something like that, to run the program on delinquency prevention." He said, "No." I said, "Come on, Cap, you don't know where it is. You need the money." He said, "How about a million?" I said, "Okay." [laughter] So I gave him back the money and I got about a million dollars to try to run this one program.

Shearer: When did that start?

Williams: That was about 1968, '69 perhaps.

Shearer: In East Los Angeles, and this went to pay about how many senior and junior--

Williams: I don't know. They were just setting it up. We set it up through the Youth Authority. In one of my speeches I'd say, "Do you know we have a seven-year old murderer in our system, a cold-blooded murderer, seven years old, and he is in the Youth Authority's confinement." That's a shock. People got kind of--In those days also the narcotics was getting mixed up and it was coming on real bad, real strong. So I would say, what do they do about narcotics? Anyhow, the program started and I never have been able to find out what happened to it.

Campaigning with Ronald Reagan

Shearer: When did you first meet and come to work with Ronald Reagan?

Williams: I first saw him in San Diego at a rally in somebody's backyard, a big estate. I remember it very well because he had on a blue blazer and some white flannel pants, and he was talking about government. I had been in government most of my professional life, and it didn't sound like he really knew what he was talking about! [chuckles]

Shearer: He was talking about the detrimental things?

Williams: Big government. And I was skeptical. He was very attractive and spoke well, but I felt that he didn't know enough of the details to be able to talk intelligently about the problems and the solutions.

Williams: He is a quick learner and before the campaign was over, he was right on the button. But those first few times, he was--Most of the people he was talking to didn't know about government either, so he could be persuasive. But that was the first time I saw him. I don't recall if I met him though.

Shearer: This is early in the '66 campaign?

Williams: Very early, yes. I think I may have met him for the first time in the Coronado Hotel at the Republican State Central Committee meeting. All of the candidates were around this big head table and all of the gubernatorial candidates spoke and then the rest of us spoke. Each had two minutes to tell all about himself and his program and his family! I had a lot of that. They just wanted to take a look at you more closely. But he was sick. He had the flu, I think. He said, "I feel as though I am talking under water." There was a picture on the front page of the Los Angeles Times the next day, a terrific picture. I'm here and then next to me is Christopher and somebody else and then Reagan is at the podium. I wrote to the Times and said, "Can I use that? I would like to get that picture and use it in my campaign materials." They said, "No, it's copyrighted, you can't have it." But it was a really neat picture and I still have it in my files.

Shearer: How did you come to his attention? Did you make any suggestions on the basis of your observations early on in the campaign to help him sharpen up his approach?

Williams: During the primaries, it was pretty much every man for himself. I just wanted to make sure that they didn't connect me with any other candidate, particularly with George Christopher because I wasn't with him. As soon as the primaries were over, then Ron called us all to Los Angeles and we sat down in Los Angeles. Holmes Tuttle was there and Henry Salvatori and the kitchen cabinet. I think maybe William French Smith was there at that time. We laid out a plan of running as this team, a team operation--everybody was on the team. Frank Jordan initially didn't participate very much because he was re-elected for years and years and years, and he wasn't worried about it. But everybody else was there.

They talked about how they would allocate funds and how we'd raise the money and try to coordinate our campaigns. So that's when we started working together closely.

Then we campaigned together. Sometimes we'd all go together, sometimes I'd be with the governor or someplace else. Our wives were coordinated also. They would fly to different parts of the state and make speeches. It was a pretty closely coordinated effort by all of us.

Williams: Then Reagan would give his law-and-order-type speeches and he didn't ask me to check them out, but he had good advice. They were good speeches.

Shearer: Who wrote those speeches?

Williams: For him? I don't know. He had an outfit over in Glendale, I think it was, doing his position papers. They were pouring a lot of stuff in his head and he was retaining it. He has a tremendous ability to grasp and retain information.

Shearer: This was not a professional campaign manager?

Williams: Oh, he had Spencer-Roberts as campaign manager.

Shearer: But what was the Glendale--

Williams: It was sort of a computer "think tank" sort of thing. But they would give him these little booklets on different issues.

Shearer: Did you make use of this Glendale firm?

Williams: I don't recall that I ever did. But by that time, we had been through a couple of professional campaign advisors and they were no good. We got a couple of professional fund raisers who just about raised their commission and that was about it. So in general, we did our own. We did have Spencer-Roberts come in as a consultant at one time, but basically I hired a friend of mine who was an executive in IBM. He took a leave of absence to be a campaign manager. We hired a staff and we did our own operation. Near the end, my brother came out from Pennsylvania. He was an editor of a magazine and he was my press man. He generated more ink than anybody else. He was just great.

Shearer: Did you say your brother?

Williams: My brother.

Shearer: Whose name is?

Williams: Bob; Robert Williams.

Shearer: Who was your manager?

Williams: Bob Simmons.

Shearer: After the results were in, you were still considered a member of the team?

Williams: Yes, right.

Shearer: That fact that you had not won attorney general didn't alter that?

Williams: Right.

Early Appointments in the Reagan Administration

Shearer: Was there a field of candidates for the job of Secretary of Health and Welfare Agency or was that something that was offered specifically to you? How did that come about?

Williams: What happened--

Shearer: And why did you take it?

Williams: Yes, why? I have a good answer to that, but I'll start with the beginning of the question. The governor rented some space in the Ambassador Hotel, one of those cottages there, a couple of them. He had people going in there and some of his kitchen cabinet people and others. There were screenings, setting up a sort of parallel government and screening to fill all of the jobs which were opening up.

Shearer: This was just in the weeks following the election.

Williams: That's right; similar to what they did in Washington. So anytime a job came up, I understand they'd say, "How would Spence Williams be in that job?" They offered me a lot of positions. They felt me out on them because they wanted me to be on the team, and the governor did. He said, "I'd like to have you come to Sacramento with me."

Shearer: What were some of the jobs that were offered?

Williams: The first one was to be extradition and clemency secretary. The secretary would be on the governor's staff and handle the questions of a person on death row, whether the governor would commute the sentence, and then also, the transferring of prisoners between states. It only paid twenty-two thousand dollars a year and I was making thirty thousand as county counsel. I had six kids to support and I said, "I can't take that cut in pay." Somebody suggested that we get the private sector to contribute the difference. I said, "No, I can't be a public official receiving money through a private sector. It doesn't fit right. However, I told them there is a very sharp young man that I thought they ought to look at. He was a Deputy District Attorney of Alameda County, and when I was president of the DA's Association, he was our lobbyist. His name is Ed Meese. He made speeches for me when I couldn't cover." They said, "Send him up." So he went up. I saw him in the Sacramento office Reagan set up for about a month before he got inaugurated and Ed was sitting out in the lobby and I came out following a talk with the governor.

Williams: He said, "Hi, Spence." I said, "Hi, Ed." He said, "Are you going to join the administration." I said, "You bet." He said, "I think I will, too." How about that?

There's another one I'll tell you. Mike Deaver was the executive director of the Santa Clara County Republican Central Committee. And I knew him there too.

Shearer: Had you recommended him?

Williams: No, I didn't. By the time I got to Sacramento, he was already there and working. He was assigned to go over all of the departments in my agency and recommend which key people should be retained and which should be let go. He did a super job of that.

Shearer: I thought he was appointments secretary.

Williams: He ended up as assistant to Ed Meese. The appointment secretary was Paul Haerle? No, it was--I don't know right now. He became secretary of the air force.

Shearer: Oh, Verne Orr?

Williams: No, he was--I mean under Ford, some guy that supported Ford when Reagan was running. He might have been because he was on the staff and they sometimes switched around, but it's the same as--in any event--

Shearer: You're right. Mike was assistant to the governor and director of administration, but that's of '71. I thought he served right from the beginning. That's what you were--

Williams: Mike might have been working there with Tom Reed, who was the governor's first appointments secretary and I think Paul Haerle was the second appointments secretary in charge of filling positions like judgeships and that sort of thing. There also was a scheduling secretary who took care of the governor's appointments and his daily calendar. But Tom Reed I think is the first appointments secretary and Paul Haerle the second.

Shearer: That's right, Tom Reed, Paul Haerle, and then Ned Hutchinson.

Williams: Ned Hutchinson, right. Now, Mike might have worked with those guys to begin with, but he ended up, after Sandy Quinn left at least, over in the executive--assistant to the governor. The job that Phil Battaglia had first and then Bill Clark and then Ed Meese.

Shearer: Now, we're at a kind of watershed point, whether to talk about the governor's office and your relations thereto or the agency as you found it and as you came to change it.

Williams: Let me just give a little more preamble. I was offered several positions. One was in transportation (or at least they talked about it) and at the same time, I was working with Cap Weinberger on a proposed reorganization of state government and we came up with a plan of having three cabinet officers. Each was going to be called the assistant governor. One was going to be human relations, one was to be resources, and the other was to be business and transportation. But in putting it together, we looked at all of these boxes and we moved them around like everybody does when you reorganize something. I thought I should perhaps take the one that had the Highway Patrol in it because that was the closest to law enforcement and that would be an interesting job. Henry Dietz, who had been a deputy attorney general or assistant attorney general for many years and county counsel of San Diego and a long time friend, said, "Hell, why don't you take that Youth and Adult Corrections [Agency] and the Human Relations that you put together, because that is the toughest and that will get you more press and you can demonstrate your ability. Why not go for broke?" I said, "I think you're right."

So I was appointed to that and I think I was the first person appointed in the administration. I may have been the second. Maybe Gordon Paul Smith was appointed the same day or the next day, but I think I was the first one appointed. (Something just slipped my mind I wanted to say about that.) Oh, one reason I left county government to go with the state government was because I had a feeling that Tom Lynch would quit as attorney general. He came up with a very angry blast at the Democrats for not supporting Pat Brown and also he had been state-wide manager for Lyndon Johnson. I figured that he might be appointed to the bench by Johnson and there would be a vacancy. So I wanted to be in Sacramento sitting right in the governor's lap when that happened! [laughter] That was a big motivating factor in going that route instead of staying on as county counsel and perhaps getting appointed to the bench. I wasn't interested in the bench then, so this was a chance to be over there and perhaps either get the appointment or stay in the public attention until the next race and run again. So I did. In the second race, I'll just skip to that, there is something I forgot to say.

Up until the very last, Evelle Younger was really angling to become director of the FBI. When Hoover was given an extension over age, Younger decided he'd go for attorney general. But he really wanted to be in the FBI, at least that is my understanding. He had been in the FBI before the war. So he had wanted--and this is a very powerful and exciting position to have--to go for it. So if he had gone into the FBI, then I think I would have had a better chance. Harmer came into the race late with a lot of money, and I think Evelle spent over a million dollars in the primary in the second race. Harmer spent about \$800,000, Deukmejian about \$250,000, and I spent about \$125,000 and came in third.

III AGENCY ISSUES AND ADMINISTRATION

Agency Reorganization

Williams: But back to 1967: I accepted the appointment, came to Sacramento and went to work.

Shearer: Indeed, you were handed a great potential for press and challenge.

Williams: Preliminarily, they said, "Do you want Health and Welfare or do you want to go to Corrections?" I said, "Put them together!"

Shearer: And take them both! So it was on your recommendation that the Youth Authority and Department of Corrections were joined?

Williams: I think Cap was the main one. He had been with the Little Hoover Commission. I saw a great chance for it interfacing between Health and Welfare and Corrections and Rehabilitation, and it turned out that way. We could get federal money through our rehabilitation program and put it directly into the prison program. You could do the same with mental health. We could transfer people from the criminally insane faculties into special treatment programs in the mental health department. So really it was a huge operation. There were 48,000 employees. I think our first budget was three billion dollars. The total state budget was just under five billion the first year.

Shearer: What was your rationale for including the Department of Corrections and the Youth Authority under the Health and Welfare Agency? Can you give me an example of how you might use monies across the boundaries of rehabilitation and corrections?

Williams: I had one program with the Departments of Mental Health and Corrections in which we trained some of the women prisoners who are at Corona, I believe, the women's prison in southern California, and took them over to Patton Hospital not too far away and trained them to work with

Williams: retarded children. It was good for them and good for the kids.

Shearer: So that program took them out of the prison setting and gave them training which could be then applied outside?

Williams: It may have filled some need for them as individuals but also it gave them a chance to learn a trade. We also transferred some of the very dangerous criminally insane down to one of the facilities down--Let's see, they were dangerously insane but they weren't criminals, let's put it that way. We could take them from a less secure institution in one of the state mental hospital system and transfer them into Vacaville, which had much better security.

Shearer: Vacaville being--

Williams: Vacaville being a state prison with real strong security and the hospital down in San Luis Obispo (or Atascadero) that didn't have that kind of security. So we could make that kind of transfer.

Shearer: What kind of reaction did these two particular moves engender? Was there any criticism of placing "criminal women" in charge of mentally retarded children?

Williams: I didn't receive any. I didn't see any problems there. I don't remember any. There were some others. In the rehabilitation thing we could actually use state money as matching money to draw federal money into the prison system for rehabilitation and so increase the program in the state prison by the use of state matching money. That was helpful. We also had, for instance, the Department of Employment and we had the FEPC and the workmen's compensation--not workman compensation, but the programs for developing jobs for the poor people and that sort of thing in my agency. We could take some of those job training people and have them go into the prisons and set up job programs there.

One we were working on--I don't know if it ever worked out or not, we talked about [it]--was trying to train deep sea divers.

Shearer: From among the prison population?

Williams: Yes.

Shearer: Why?

Williams: There was a big need for them, it was a good paying job, and there were a lot of young, strong people in prisons who needed job training.

Shearer: So the actual job didn't particularly serve a state or prison need. It's just that it was a growing job field.

Williams: When they got out, they would have a vocation. I had the suggestion, and nobody would buy it, that we ought to train these guys to be waiters--teach them to speak with foreign accents [laughs] and make waiters out of them. That's a good paying job and there is a pretty good demand for waiters. But there were ways you could do that and coordinate the activities. Certainly, in the mental health area some of the people served by the Youth Authority and in the prisons had mental health problems and we could perhaps coordinate that. I was not sure of the extent to which it was carried out, but there was a big opportunity there. We did a lot of it.

Shearer: I gather that you considered yourself as the idea person in the agency.

Williams: No, my function was to be the departments' advocate with the cabinet and the governor and the governor's arm on the departments. We were not supposed to run the departments. Later the agency grew and grew and grew but in my time I only had a staff of about six or seven people--maybe not that many. I had an assistant who was my liaison with the Department of Corrections and the Youth Authority.

Shearer: That was Ray Procunier?

Williams: No, Ray Procunier was director of Corrections. I had Bob Smith, who had been in corrections and then we also had Allen Breed, who was director of the Youth Authority. So Bob Smith would be their co-ordinator with me. I couldn't always meet with them personally.

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Williams: Bob Smith was just for the Department of Corrections. We had another one for the Youth Authority. George--his last name slips my mind right now, but a very, very outstanding guy. Then we had another one who coordinated welfare--Bob Fugina and someone for mental health--I had one person on my staff for each department or combination of departments. I wasn't trying to run the departments. They ran themselves. I would make suggestions and watch their budgets and tell them how much they had to cut. Sometimes if there was a certain amount we wanted to cut out of the budget, we would take more out of one department that could spare it than out of another because it was a program that may have been more important, but I pretty much let them run their internal operations and that was the concept--that we weren't to become the department head. We had some excellent department heads.

Shearer: Who were the excellent ones?

Williams: I am terrible at remembering names today, but the director of Mental Hygiene--

Shearer: James Lowry?

Williams: James Lowry was a holdover from the Brown administration and he was absolutely terrific. He had started a program on the reduction of the populations of mental hospitals that Reagan took the heat for.

Shearer: Do you mean the channeling of the people into the communities for community services?

Williams: Right. That program was conceived and initiated originally during the Brown administration.

Shearer: That was with the Short-Doyle legislation?

Williams: That's right. Then the Lanterman-Petris was another one. That came up during the Reagan administration and Reagan never got credit for it. Lanterman was an advance thinker of Reagan's.

Family Visitation Program

Williams: Before I forget it, I want to also mention that Reagan was the one that initiated the idea of having home furloughs or having the wives come to prison--family visitations.

Shearer: Conjugal visitations?

Williams: We changed the name. He heard about it being in Louisiana as conjugal visitations and he called me into his office one time and said, "Spence, I was reading about this. Can we do this in California?" I said, "I sure think so." He said, "Nobody can accuse me of being a bleeding heart, and I think it would be a good program. It would help reduce homosexuality in the prisons and give better control over the prisons. Why don't you give me a report on it?" So I got Ray Procnier to work up a report and Ray said, "The first thing we are going to do is change it from conjugal visitations to family visitations!"--[laughter]--"because some of these guys could have their mothers come and visit them." Okay! So he went and put this program together and presented it to Reagan, who said, "That's great."

The first one was up at Tehachapi, the first actual visitation. I went up there and the press was all over the place. The inmate was a very nice looking Mexican-American guy who was in for auto theft or something like that and his wife, a very attractive lady, and a little boy about three years old came. They had a facility outside of the walls that had been a staff home. So they were there. They have a head count twice a day in prison, so he had to go stand outside his house so they'd count him. They counted one and a half because he had a little kid with him! [laughs] But not one word about Reagan in anything I ever read on that. It was "California is doing this; California is doing this." It was Reagan's idea, and I kept telling them, "This is the governor's idea." They never printed that. He never

Williams: got credit for that. He didn't care if he got credit for things. He had a sign on his desk that said, "There is no end to what you can accomplish--no limit to what you can accomplish--if you don't care who gets credit for it." But that is one of the many things he did on his own initiative that shows what a great guy he is.

Shearer: That is very interesting. I hadn't realized that was directly attributable to him.

Williams: That's right.

Reducing State Hospital Populations

Shearer: You mentioned James Lowry as being an outstanding person.

Williams: Yes, a great administrator and a fine--

Shearer: You took a lot of heat for him, didn't you?

Williams: For that program, yes.

Shearer: The program of reducing state hospital populations by putting patients into the local communities and using community service?

Williams: Right.

Shearer: Wasn't he very disturbed at the cuts of the state hospital technicians.

Williams: No, he never indicated any unhappiness. What we did was reduce the staff less quickly than we reduced the population of patients, so that the ratio of patients to staff was improving or at least it kept the same. The reason they could reduce the state patient population was that they had this new drug therapy that could keep aberrant behavior under control. I don't know what the pill was, but it permitted better control of the patients in the community. Now, sometimes the community programs haven't been as satisfactory as expected, and some people say that the reduction in state patient population went too fast. But the theory was that as long as a person wasn't dangerous to himself or others, as long as you lock him up just because he is kind of a funny person way out in the country and away from his family and all of his support, it's not as good as if you keep a person in the community, close to his friends and family, where he is going to be able to handle it better. So we encouraged every hospital to get a local psychiatric board to take on the emergency situation, handle it now, and then keep the person in the community if possible and not send them way away to a state hospital.

Williams: I never saw "One Flew Over the Cuckoo's Nest," but I wish I had, because I was in charge of all of our cuckoo nests and I know that before I ever went to state government, a friend of my wife's was put in Agnews State Hospital. She had a mental problem and it took three or four weeks to get her out, to do just the paperwork and all of the other stuff. There is a stigma that goes with that, too. So the idea was to try to keep people in the community, treat them in the community, and not send them away unless there was a really serious problem. Also, the state program provided that the state would pay ninety percent and the community ten percent no matter where they were treated. So, if the person came up to the state facility, then the state would charge the county ten percent of the cost. If they go to the community and administered locally, the state would pay ninety percent of the cost. The idea of taking a person, pulling him out of his family, and sending him off to some place that is hard to get to was not the best way of handling it. But if Jim Lowry didn't approve, he certainly never said so because he was a good soldier. He took his orders and did a great job and he testified time after time before Alan Short's committee and the others on this and did a superb job on that one.

Shearer: Why did Charlie Warren take after him and ask for his resignation or that he be fired? I read somewhere that you said, "Over my dead body!"

Williams: Did I say that?

Shearer: Yes.

Williams: Well, I would have. Warren's a politician. He wanted to run for election and he wanted to tear down the Reagan administration. That's politics. The same with Alan Short. I was on television with him a couple of times here and in Los Angeles and he'd go after us--He was just getting press. He may have sincerely felt that the state hospital patient reductions were detrimental but I don't think that was the main motivation.

Shearer: You said that the money to pay for the reductions in the state hospital population was made available through the Short-Doyle legislation. Now, is this the same Short?

Williams: Yes, the Short-Doyle legislation was in addition to that though, I believe. No, I am thinking of the Lanterman-Petris Act. I am thinking of Nick Petris, not the Alan Short. Pardon me, Nick Petris took us on. I don't know about Alan Short.

Shearer: Why did he oppose [it]?

Williams: I think Nick Petris opposed it because I believe he had a state hospital in his district. There was one over there in Modesto and that's his

Williams: district. But he also was getting a lot of press out of the thing. But he was an active Democrat and we were Republicans and it is part of the game to criticize the administration. But the Lanterman-Petris Act was the one which made it more difficult to get a person into a state hospital. It required that they have a hearing at the local community level. I think they could be locked up--detained--only five days without a further hearing of the psychiatrist who had to testify because there have been some horrible examples of people who had been committed because they were a little senile and maybe not very senile and then their estates were taken over by their relatives when they were out of the picture.

Lowry said that there is no reason why you should lock a person up because he is different, if he is not dangerous, even when they walk around with funny hats on or make funny noises. Maybe the communities feel uncomfortable, but it is not fair to deny a person his own liberties because he is a little different. I mean, odd is not a reason to lock a person up.

Shearer: How did you deal with the question of determining who is dangerous at the point of release? It seems to come up over and over again with people who have been committed for rape or violence toward another person and are sometimes released.

Williams: That is a problem more in the Adult Authority and the prison system. Most of the people in the mental hospitals are just old, senile people, old ladies and old men who weren't dangerous. There were some young people, but the high percentage was just old senile people and there was not a real concern about danger there. But if they had a history of violence, then they wouldn't be released, not as far as I know of.

Shearer: As a result of this program, did the character of the population of the state hospitals then change to become more dangerous?

Williams: Yes, I imagine so. Also, we had the programs for the retarded and we tried to change the formula for support and got tremendous opposition. If the child was emotionally disturbed, the parents paid according to their ability to pay, so it wouldn't break them if they had to pay according to their ability to pay, and it was a fairly generous formula. But in the retarded cases, the parents only paid twenty dollars a month--I think it was twenty dollars--regardless of the cost to the state, and some of the parents of the retarded were well-to-do and we tried to get the formulas the same. Of course the parents resisted it and were bitterly opposed to that idea.

Shearer: You wanted to make the retarded support formula a sliding scale rather than--

Williams: Yes, that's right. I mean you couldn't keep a kid in your own home for twenty dollars a month. But many parents of retarded children are very emotional about their children, very upset about it. I don't

Williams: know whether they feel guilty but they were really a very strong and vocal group. They really took us on. We had some great programs for the retarded in all of the hospitals. We saw big development there, too, and we'd get contracts. For instance, I think Agnews had a service contract with United Airlines to sort out the nuts and bolts after they overhauled the engines. It is tedious work. For people who are retarded--it's great. They can do it, concentrate.

Welfare Programs: AFDC and the Mentally Retarded

Shearer: Why do you think there is such a vast difference between the amount of services provided mentally retarded children and those on AFDC, [Aid to Families with Dependent Children] for example, in the degree of generosity in computing eligibility and the support formulas and so forth?

Williams: I don't know that there was a difference, but I will tell you this about the governor. Very early in the administration a group visited him, parents of retarded children. They told him that the state program was not up to par and said, "We hope that you can do something about it." He said, "I am very sympathetic to your program. I have played a part"--in some movie or play--"of a parent of a retarded child and I was able to understand some of the problems and learn about it, so I assure you that we will do a much better job in California." He substantially increased that budget every year and the results were evident.

Shearer: It's clear from the record that funding for the programs specifically for the mentally retarded was increased during his administration. Do you think that the concept of blame or blameless--mentally retardation being no respecter of person or class or ability to pay or whatever--played a part in the governor's attitude? The children on AFDC might be considered to be blameworthy--not so much the children but their parents--

Williams: Oh, I think there is a lot of difference, yes. I think that being retarded or at least emotionally disturbed are physiological factors beyond control, and some people are on welfare because they just don't get out and work. That's the mental attitude of a lot of people.

Shearer: Was that the governor's attitude?

Williams: No, no.

Shearer: He didn't feel that there was an intrinsic laziness? I am thinking back to his campaign statements on welfare recipients where there seemed to be a very strong--

Williams: It wasn't directed at the children, it was directed at the parents on welfare. I used to make speeches and maybe I wasn't too popular because of it, but you take the profile. The actual profile of the average person on welfare is about an eight-year old or a ten-year old kid. The public image of a person on welfare is a twenty-eight-year old healthy minority male who is sitting in front of his color television set, drinking beer instead of working. That's the mental image, and the demagogues will blow that up. They've blown it up and that's what people think the average welfare person is. But most people on welfare and the AFDC program are basically mothers who have been deserted with three or four little kids. There are a lot of gimmicks and games going on in welfare. In welfare there is a lot of fraud and a lot of mistakes. I think welfare can be a bad program if the government says to a guy, "If you leave, we'll support your family" -- "we will assume your responsibilities in this area." Then he can become irresponsible very easily in that area. When the government steps in and assumes people's responsibility that they should take care of themselves, they can be irresponsible because of the easy way out. I am not saying that we should abolish the program, but I have asked whether statistically they can show that welfare programs have done any good, and they can't. They can show instances where a person who has been hard up and has gone on welfare and with the help of that money has gotten training to get a job and has gotten off welfare. That's great! There are histories of that. But you can't show statistically that it has done any good.

The turnover of the welfare workers is fantastic. You get some girl that has graduated from college in music and the only job she can get is as a welfare worker and she goes to work and she works about six or eight months and talks to mothers about how to budget their time and how to raise their kids, and the mothers don't pay any attention to her and she gets frustrated and quits. There is a tremendous turnover, so like many programs, the concept is a good one, but I have never been convinced that it has done the job that it is supposed to do. It may have actually generated more problems.

Shearer: How would you measure accomplishments of welfare?

Williams: I guess by how quickly you could get a person off of welfare on their own feet.

Shearer: So the success of a welfare program would be evaluated by the number of people who are on it; that is, it would be considered successful as fewer and fewer people receive benefits.

Williams: I would think so, relative to the population. Of course, when welfare rolls go up, it's a big burden on the budget and everybody says it's terrible. Sometimes it stays constant, which means it's really going down relative to the increase in state population, and you try to take credit for it. They've generally looked at it, I think, as a

Williams: total picture. We haven't thought about how many we have been able to really help get off welfare. Then they talk about second- and third-generation recipients now. It has become a way of life and it doesn't do the people any good. I can give you an example and this is directly from the governor. He went to Washington one time and I went back there with him. He went and visited in some of the very blackest ghetto areas--visited with people, individuals. One guy stood up (I was not there, but the governor told the story.) The guy said, "I'm on welfare. Here is my welfare money. That's bad money. That's not worth anything. But in this pocket, this is the money I earn and this is good money." So he earned it himself and it meant something to him and he was proud of that. The welfare money was just something to take and throw away. That's why I have always advocated that the person who is going to get medical benefits should pay the first five dollars or something or if they are going to get free legal services they should pay their first five dollars because then they have to evaluate, on their economic scale, if it's worth five dollars. If it's free, if there is no entry fee, you can use and abuse medical and legal services. I think that what that man said to Reagan in Washington sort of typifies that. Persons who receive welfare often resent it.

Shearer: That would seem to point to the efficacy of the flat grant--in which a welfare recipient simply is given a flat amount of money which that person is to apportion for his medical expenses, food, clothing, rent, and so forth, as he sees fit.

Williams: Right, or if they can't manage, give it to them in kind. If they can't manage, then pay the landlords and give them groceries and do those things because some people don't manage and they spend all their money on one thing. But the negative income tax concept, which has been talked about and never really tried as far as I know, is interesting. It is interesting because Milton Friedman, the economist, says, "Welfare is not for recipients; welfare is for the welfare administrators." If you take the number of people on welfare and divide the money spent on welfare it comes out to about in those days \$17,000 per recipient. They didn't get \$17,000. The \$17,000 was the salary of the administration and what dribbled down to the bottom was a very small amount. In the negative income tax, they figure a level, which is a livable level of income for everybody. Those who make more than that pay income tax; those who make less than that are given enough money to bring them up to that level. Write them out a check and say, "This brings you up to the acceptable level." So you don't have any administrators. All you do is [have] people write checks and check qualifications. You can monitor it to see if they aren't cheating by making more of the same, but other than that, you don't have to have case workers and all that stuff. But anyhow, we are really digressing!

Shearer: We were talking about monitoring success in the welfare system. I guess you're saying that it's difficult to measure success simply in terms of numbers of welfare recipients in the program. People should look at the bigger picture--look at the amount of unemployment, which happens to be the case at the time which would influence the number of people out of work and therefore receiving benefits.

Williams: That's true. I don't think anybody really resents helping someone who is really in need, but they all think about the cheaters and the people who really don't try hard and abuse the food stamp program and those things which irritate a lot of people and properly so. They may think that it's a bigger problem than actually exists, but it's there and everybody tries to deal with it and the politicians like to talk about it and put blame on it. I started a program with President Reagan. It took me almost three years to get it done through the resistance--I thought it was resistance of the bureaucrats--and that was to match the welfare tapes with the tapes filed by employers with the Board of Equalization. Every quarter, the employers are supposed to tell how much they have paid all of their workers, and the welfare tapes--the welfare recipients--are supposed to tell how much they've made to adjust what their grant will be. I said, "If you can match those tapes by Social Security numbers, you'll see what the employers are reporting and what the recipients are reporting." They said, "We can't do it because one is on IBM tape and the other is on RCA." I said, "Come on, you can make them compatible. Give me a report back."

In six months I called to see how it was coming. Well, finally after three years, they finally got the program going. If they found a discrepancy, we would refer it to a local district attorney who could investigate and see if it was an error or whether it was fraud. But it was a good way of monitoring potential welfare fraud.

Shearer: Who were the people who were trying to supply you with the information to make the tapes compatible?

Williams: The counties are supposed to turn information on welfare recipients' earnings over to the state and I think it goes on tapes. The employers were supposed to report employees earnings to the Board of Equalization for the purposes of state tax. The information was there. It was just a matter of trying to get a program worked up that could match it. Of course, sometimes some people have two or three Social Security numbers and it is hard to stop that now. But the two departments saw a lot more difficulties in trying to get it going. It's going and now I think it is nationwide. Bob Carleson, who became director of Welfare at about the time I was leaving, took it back with him in the Nixon administration. Also, it deters people who know about it. It's just like when people find out that IRS is checking their income tax on computers, a lot of people stopped over-claiming deductions and so forth. But 'matching' was another thing that was started in the Reagan administration that now is a national program.

Shearer: Did you see over the period of your association with Mr. Reagan any mellowing of his posture that he adopted in the campaign in which at one point he said he felt that collective action--that is, government action--against bigotry was reprehensible and that personal action was laudable, that the poor should bootstrap it, and that the welfare rolls were full of lazy people, and charity essentially should take the form of tithing rather than any government role. Did he modify his views?

Williams: I left in 1970, so I was there only three years. Actually, they formed the government in January of 1967. No, I don't think he had modified--I don't remember him saying that. That's pretty harsh. He's not a harsh person, but he was receptive to programs, as I mentioned in the field of the retarded and mental health areas.

He had a Welfare director, John Montgomery, who was young and vigorous and did a difficult job. I think in those early days, they were disappointed that welfare didn't go away, that you didn't just gather up the rolls and solve the problem. I think there was a certain amount of frustration that we still had a substantial welfare program after three years. I think that though sometimes when it was reduced--we did a big job in trying to reduce the number of regulations and that sort of thing--but I still think there was a frustration that they hadn't been able to do a better job in eliminating it. Seeing Reagan on this safety net question, I think he has really recognized that the truly needy should be helped. Whether big government should do it or not, I think he has felt maybe not.

But the question was how many are there who are really needy and how many are not needy. It's a quantity question. He did, for the first few years, visit with different minority groups and welfare groups. I know in southern California and other places he talked to them about trying to give a guy a hand up rather than a handout. I think he was willing to spend in that area and he did spend. He had quite a few programs trying to get people trained. He looked into the question of the able bodied on welfare. His idea was to have them work as a condition to receiving welfare.

Shearer: Was this the WIN program?

Williams: Yes, and even if it's raking leaves, at least you're out there working and it's good for the person and it's good for the economy. Some people would say, "It costs more to administer the program than the benefits." Maybe the benefits in dollars and cents didn't equate, but I think the psychological benefits are there. They do that in Los Angeles. I know Los Angeles County had a program like that.

Shearer: How would you put together programs that require a considerable amount of administration and participation, such as the WIN program and the negative income tax which eliminates all of the bureaucracy? How do you get the best of both programs.

Williams: In the work programs, I guess what we tried to do was to actually have it administered at the county level where the state would do the funding but have it administered through the counties.

Shearer: In the existing--

Williams: --Structure. Then, of course, we came up with all of these parallel programs, the OEO program. These training programs were funded federally and they appointed a lot of poor people to run the program. I don't know--

Shearer: This is the service center concept?

Williams: No, the service centers were under state direction and administration. A lot of programs came along--I can't put it in the proper time frame--where they would fund these poverty grants and they'd have a lot of people appointed not connected with the government as such and they would fund these private programs.

Shearer: New Careers was one group and the Community Action programs.

Williams: I always felt that was crazy if people aren't trained.

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Colleagues Remembered

Shearer: You have mentioned a couple of names of people whom you felt were excellent in your administration--the director of Social Welfare, John Montgomery, and James Lowry. Can you think of others?

Williams: Oh, yes, Ray Procunier was top flight and so was Allen Breed.

Shearer: Mr. Breed headed the Youth Authority?

Williams: Yes, and then we had Gil Sheffield who came over to the department of--first it was called Department of Employment and then we changed it to Human Resources Development and now it's called something else. He came over from the telephone company and he did an outstanding job. A great administrator and a very empathetic, understanding guy. Oh, we had Dr. Breslow [who] was inherited from the Brown administration.

Shearer: Is that Lester Breslow?

Williams: Yes, Breslow. He is now, I think, at UCLA. The medical society was opposed to him.

Shearer: Why was that?

Williams: Oh, he was maybe arrogant, maybe he was trying to interfere too much in the private practice of medicine. I'm not sure. But they really were antagonistic, and I thought he was doing an excellent job as the director of public health. When his term expired, I tried to have him extended to continue on because he had, I thought, a good record. He was controlling his budget and meeting all the objective performance standards and doing a solid job--I thought--but anyhow, they didn't want him to continue, so we had to replace him. But we had a fine doctor who was an ex-army person, or maybe he was from federal public health service, and he replaced Breslow. He was a very adequate person, but I did think Breslow was excellent. For awhile I had air pollution and veterans affairs.

Shearer: Yes, I noticed that. Was that a result of the Weinberger-Williams consolidation?

Williams: Yes, we tried to put all of the people problems in one area. People have more problems than anybody and most of the programs deal with people in one way or another, so that's why we had industrial relations and their job training programs, and the apprenticeship programs. That was one we could work through the prisons--the apprenticeship programs. But they all have heavy union control there. We had Al Beeson. He was in charge of the Department of Industrial Relations for awhile and Al Tieburg was in apprenticeship. Cap Weinberger's brother was in Industrial Relations--Employment first and then Industrial Relations.

Shearer: Peter Weinberger was in the Department of Employment.

Williams: Employment, but then he came over to Industrial Relations to replace Al Beeson. [pause] Al Beeson was the first director of the Industrial Relations, and he was moved out. He offended the administration.

Shearer: How did he do that?

Williams: He was dealing a lot with labor and they thought he was too pro-labor. His job brought him in contact with labor and he was trying to get labor to be more Republican oriented. But I think the final blow was when he approved head table where the governor was supposed to be sitting at the same table with Harry Bridges, an alleged Communist. So they thought that was an absolutely stupid thing to do.

Shearer: At what setting was this, at what occasion?

Williams: The governor was going to speak to a bunch of labor leaders in Los Angeles.

Shearer: I wish I could have been at that table, a fly on the table!

Williams: So he went into private consulting. I was able to persuade them to delay it so he could resign and not be fired.

Shearer: But that was sort of a final faux pas?

Williams: Yes, that's what brought it to a head. I had myself met with Harry Bridges when I was running for attorney general a second time, because he was involved with Evelle Younger. The story was written up in The New Yorker Magazine that Evelle Younger went into the FBI and was doing an investigation on Harry Bridges. He had a wire tap. He had a room next door with a wire tap on Harry Bridges. But apparently Evelle Younger was then single and young and chased around and he had girls in his room. Harry Bridges had a wire tap on Evelle Younger and blew the investigation, so Evelle Younger transferred to Montana and went into the air force after that! Harry Bridges was happy to do what he could to make sure that Evelle Younger did not become attorney general.

Shearer: I'd like to come back for a moment to John Montgomery who was welfare director. I have a note here I think from a memo from you in your papers indicating that there was a kind of abrasive encounter between John Montgomery and the governor at a meeting of the Republican State Central Committee in Anaheim in '67.

Williams: When?

Shearer: Probably the date of the memo was 1967. Whether that was the meeting date I'm not sure. But I gather that his program and policy became increasingly divergent from that of the governor.

Williams: Yes, I think it was part of this idea that there was great frustration that we hadn't made welfare go away or at least cause a substantial reduction--John was from a wealthy family in Ventura County and had been a county supervisor and had been chairman of the National Association of Counties's Committee on Social Welfare. I didn't know how young he was when I asked that he be appointed. He was about thirty-three, I think, or thirty-four. The welfare newspaper, the trade union, had headlines that said, "Actor"--oh, John had also been head of the Cattlemen's Association--so the headline said, "Actor appoints cowboy to play director." [laughs] That was how they welcomed John Montgomery! But he was a county supervisor and he worked well with the counties and the county directors. Of course, the county directors were all suspect because they were administering programs and they were asking for more money for their people, for their recipients and so forth. So being in that position he was suspect. I think I was suspect because welfare was part of my agency's responsibility and I hadn't made it disappear. But I think when John went back to the HEW and joined the Nixon administration, they weren't happy that he was tough enough. He was bound by state and federal regulations on a lot of the stuff he was doing, but I am sure there

Williams: was that--What did my memo say about the abrasive confrontation?

Shearer: Nothing much. I just have a very brief note that there was a sort of a stiff encounter at this committee meeting and it isn't gone into at all.

Williams: I have a very vague recollection of that. Probably John's ears got red and he said, "Well, governor, I would really like to do that, but we can't do it because the feds won't let us," or something like that. It might have been something like that where the governor was advocating some more aggressive activities than could be done at the time.

Shearer: What about all of his successors--there was Robert Martin and Lucian Vandegrift.

Williams: Lucian Vandegrift became my assistant and I resisted his appointment initially.

Shearer: Why was that?

Williams: I knew him as the district attorney of Butte County and he was what I'd call a "sheet shaker." He would send the investigators out to the houses of the welfare recipients who claimed their husbands had deserted them to see if the husbands were back visiting. They would go in and search the house and scare the kids and see if the husband was making nocturnal visitations. Most district attorneys and myself thought that was a pretty bad way to try and enforce the program. You upset the family and the kids. We didn't approve of the nocturnal visitations, but we thought going out at night and shaking sheets was--Van was a pretty rigid sort of guy and I had someone else I thought would be a better assistant to come in.

Shearer: Who was that?

Williams: His name has slipped my mind--Soap Dowell.

Shearer: How do you spell that?

Williams: Soap Dowell, D-o-w-e-l-l.

Shearer: But the first name sounds like S-o-a-p?

Williams: S-o-a-p; we call him Soap. His name is Emery.

Shearer: That sounds more plausible somehow!

Williams: It was Emery but I think it became Soap. But he was second in command of the Hospital Association and he had been a former newspaper man for, I think, the Examiner or Chronicle. We had a lot of problems and a lot of cost involved in the hospital business and I thought he would be excellent there and he knew the welfare bit, too. But he was my choice for assistant.

Shearer: How was it that your assistant was appointed over your objections?

Williams: My first one wasn't. That was Jim--I am terrible at names.

Shearer: James Hall?

Williams: No, no, Hall was one of my successors. This Jim was a county counsel up here in Vacaville...Jim Shumway..Anyhow, he left to run for office. He ran for Congress, when there was a vacancy. Lucian met the governor on one of these horseback rides down in Santa Barbara and said, "I can solve your welfare. It's no problem in my county; we just chase them off"--or words to that effect.

Shearer: He was from Ventura County?

Williams: No, he was from Butte County, but this was called the Rancheros ride. They go up in the mountains of Santa Barbara and ride for three or four days. So anyhow, they wanted him to be tough on welfare.

I wanted Soap. They said, "No, we don't want Soap. We want Lucian." I said, "I have two vacancies. There is one that hasn't been filled and I could have both of them filled, one I could have the inside guy and one the outside guy." They said, "We want Lucian to be the one who is running that part of the program, Welfare." I almost quit. Anyhow, so Lucian came down and at about that time I think John Montgomery left to go to Washington. I remember having lunch with Mike Deaver and Lucian and I said, "Lucian, why don't you be acting director of welfare until we find a replacement for John?" He said, "What? I wouldn't take that with a ten-foot pole! I'd get killed over there. No way I could touch that job." I said, "Okay, we'll get somebody else." When I left Lucian succeeded me. He served about a year or less and then he was appointed to the superior court bench. He now sits in Butte County. Somebody told me that when he'd been on the job three or four months as head of the agency he got so tight from stress that he couldn't even turn his neck.

Shearer: It was much bigger than he imagined?

Williams: It is much bigger than most people imagine. He didn't make it disappear either, the welfare. But those were early days and when I went on board, there were only two of us in the initial group who had any prior experience in government at all.

Shearer: Only two in that huge agency or on the governor's team?

Williams: The governor's immediate team on his staff; the other was Vern Sturgeon who had been a senator and then was the governor's liaison with the senate. But Cap Weinberger came on later. He had been an assemblyman. I had been with county government, not state government. One of the first orders was to limit travel outside of the state without permission from the governor's office because they thought

Williams: people were junketing around and things like that--spending taxpayers' money unnecessarily. So this would be governor's order number one. My assistant said, "The governors have been issuing orders for many, many years. You go in the library and there is a whole book of all of these published orders! This is just another order of another governor [laughs] So it may be number 33-1, but it's not number one!"

Shearer: If you and one other person, Vern Sturgeon, were the only ones with government experience, what was it that counted to the governor in choosing members of his team?

Williams: I think he chose people that were recommended to him by people in whom he had confidence or people he knew himself personally. Phil Battaglia, who was the first executive--we called them executive secretary--to the governor. He had been active in the campaign and I think his father was a large contractor and contributor in southern California. But the governor got to know him in the campaign and I think had confidence in him. Mike Deaver--Ed Meese came in and had not had prior experience but on recommendations.

Shearer: Your recommendation?

Williams: I didn't recommend Mike, but I did with Ed. I would have recommended Mike but I didn't know actually what his connection was. He may have been involved in the campaign. Gordon Luce came in as secretary of the Business and Transportation Agency. He had been a strong Republican, active in southern California in San Diego. Ike Livermore came in as a person who had been in lumbering and related businesses. After we had three cabinet members, agribusiness got very upset (and they are a very powerful and important business in California). They wanted their own secretary of Agriculture. We didn't use the title "assistant governor" because Bob Finch thought that people would confuse it with lieutenant governor. He thought maybe that would cause confusion or maybe reduce the importance of his title. So we talked about it and we decided we would use the form of secretary. It was sort of like the cabinet members in Washington. Then we had a secretary of Agriculture appointed. It was Earl Coke. I don't think the governor knew him in advance, but he had been big with the Bank of America agriculture-agribusiness loans and that sort of thing. So he knew the agriculture industry pretty well.

Shearer: His name was forwarded by influential members of the agribusiness community?

Williams: I think so. I think that's where it came from. The department heads--in those days, early on, each of the secretaries would do a lot of recruiting. I inherited a director of the Department of Corrections and a director of the Youth Authority--

Shearer: Allen Breed?

Williams: No, he was not [here] when I came aboard. It was somebody from southern California.

Shearer: I have Heman G. Stark.

Williams: Heman Stark. He retired, and then we appointed Allen Breed. Then Walter Dunbar, who was director of Corrections. He retired or left and went to New York, I believe. Then the governor appointed Ray Procnier. Then Richard McGee, the former administrator of the Youth and Adult Corrections Agency--there were two agencies--he retired after about a year or so. Everybody quit together. But most of us were active in the recruiting of agency heads.

Shearer: Or the agency secretaries?

Williams: The secretaries.

Relations with the Governor's Office

Shearer: What about the people close to Reagan and whose voices counted very early on? Now, you have mentioned Phil Battaglia as being someone you trusted. Somewhere in one of the other interviews I read [about] not an altogether flattering, but interesting, picture of this group. The writer described a group of "faceless young men" surrounding the governor, who at one time or another were very influential and who did not surface as formal advisors but who nevertheless exerted considerable influence. Do you agree with that?

Williams: They surfaced as far as I was concerned; I mean I knew them. They were there. There was one--Rus Walton--who was quite conservative. He came up through one of the Republican voluntary groups. He came on board in sort of an advisory capacity in program development. It's no different from any large state or the federal government where the president or the candidate is involved for two or three years or so with a group of young men who are his advance men or his campaign workers or advisors. The professional campaign organizers leave when the campaign is over, and here is the guy who has been elected. Who does he turn to? He turns to basically the young people who were on the campaign. If he won, they were going to go with him. If he lost, they were twenty-seven or thirty, an age group where they could have a great adventure and then go back to whatever professions they had.

Then the campaign workers would go out and select those department heads or secretaries. That's how the president built the cabinet. Those people have been brought from the various industries because of their experience and commitment and so forth, but still the ones close to the president or the governor are those who were in the campaign.

Shearer: Who came through the crucible of that effort--

Williams: That's right. They became staff. There was another interesting concept. It came up then in 1968 and it was mentioned when Reagan went to Washington in 1980...but not developed. There may be reasons for this, but Cap and I suggested that the cabinet members, two or three of us, have our offices right there in the Capitol building and in the governor's office essentially, to be the governor's staff person as well as the agency head, so he would come directly to us for staff work questions and advice and development of programs. I happened to be initially just across the hall, so I was closest physically and the other guys were across the street, and that makes a difference. Eventually, my space had to go to the Department of Finance and I went across the street, too, but back to the beginning...when we suggested having the agency heads right there in the governor's suite, the governor's immediate staff said, "This is a very cost conscious administration and we don't want to spend the \$75,000 or so necessary to remodel the governor's office to make this occur." So they just put some staff people in there. Pretty soon the staff grew and ultimately about a year later, it grew so much they had to remodel the office at a cost of \$150,000.

Back in Washington, this year they said they were going to put the cabinet members right there in the White House so the president could have direct access to the cabinet and he wouldn't have the staff person intercede between the president and the cabinet officer. I asked Ed Meese--I saw him last March, back there--I said, "Hey, are you going to do that?" He said, "No, it can't work out. We've got too many people. We don't have enough space and so forth." So it's not going to happen there either.

It may be that if an agency head divided his time between the White House and his agency, he would lose control of the agency. That may be. What happens, though, is the president's people fear that if agency heads are sitting over in their agencies or departments, they will be captured by the ideas and programs and philosophies of the agency and, therefore, are kind of stolen away from them ideologically. Therefore, they should run their agencies, but be subject to White House staff's monitoring of their philosophical integrity. Maybe it is an insoluble problem, but I think there is real merit to eliminating the inbetween staff because of the conflict it did--and does--create.

Now, the governor was very aware of the situation. Each cabinet secretary had a red telephone in our office. When we lifted the phone, it automatically rang in the governor's inner office, and we could get to him without going through anybody. We didn't use it very often, but it was there and it was a symbol at least that he wanted us to feel free to contact him directly. But if we wanted to contact him on other things and have him make an appointment, sometimes it was difficult. It is different perhaps in Washington. We had regular

Williams: cabinet meetings twice a week. So we could talk to him and we'd present our mini-memos and we'd discuss them and everybody would contribute. So we had a lot of direct contact with him. But sometimes a governor's staff person who is a staff member in your field, gets some idea of a program or something, and springs it and you would say, "Let's look at it."

Shearer: At the meeting?

Williams: Sometimes. We'd say, "Let's analyze it." If you said, straight out, "It's ridiculous," you sound negative. But I used to say to my staff people, "Look at it, and if it's ridiculous, say it's ridiculous." They said, "Well, we don't want to say it doesn't have some merit to it. We could do the program with these changes." I'd say, "If it's a lousy program, don't do it!" But that sort of problem would eliminate itself if the cabinet members were "in house." I remember the first cabinet member I think, under Nixon, a fellow from Alaska. He couldn't get to see the president because the staff guy wouldn't let him in.

Shearer: Whose voice particularly counted among these staff people?

Williams: Oh, the executive secretary.

Shearer: That would be--

Williams: Battaglia, then Clark, and then Meese.

Shearer: Did these people prove to be bottlenecks?

Williams: Not to me; I never had a problem. But I could see that it could develop.

Shearer: Why do you think they didn't confer with you before the meetings, that they sort of sprang these suggestions--

Williams: Oh, I didn't see many sprung at the meeting, actually at the cabinet meetings. Over time the cabinet meetings grew. Initially, there were about four or five of us there and then it grew bigger and then the appointments secretary would come to be there and other people, and they would all chip in on all of the discussions. Paul Haerle was there. He was a very conservative guy. He always would--he was not involved in the administration except the appointments of judges and some other positions. He would jump into the discussions on welfare and would ask John Montgomery some pretty far-out questions. Anyhow, everybody participated. The staff person who comes between the cabinet member and the president or between the governor and agency head can cause a problem. Anybody else on the staff who is not directly in line can do that, too.

Shearer: Who tended to be always there outside the circle of the cabinet members who was on the governor's staff?

Williams: The director of Finance was there, of course. The lieutenant governor would come in occasionally and Ivy Baker Priest. I don't think Frank Jordan ever did. But mostly it was the cabinet members, sometimes with their assistants and staff members, and then if we brought somebody in to make a presentation, they'd be there.

Shearer: Who among the staff members were consistently there and whose voice counted?

Williams: Well, let's see. They had a fellow named--a special consultant on education.

Shearer: Server? He was an assistant to Alex Sherriffs.

Williams: Sherriffs--I think he came in frequently. I don't think Meese was there much until after he succeeded Bill Clark. Ed was clemency secretary working directly for the governor. The cabinet was not involved in his operation, and vice versa.

Shearer: Maybe I could just mention a few of these names. I have listed those who seemed to be there early on. It would be Battaglia, then Clark, and then later Ed Meese. Among the administrative officers would be James Crumpacker.

Williams: James Crumpacker, yes, he was assistant to Haerle.

Shearer: Was he one of the ones who was really listened to?

Williams: He had a lot to say, yes. He was a very conservative person and I think he had an effect, not as much as Haerle did. I don't know what happened after Haerle left, whether Crumpacker stayed or not, but he was there and he would contribute ideas and concepts and criticisms.

Shearer: Did Haerle give you a lot of heat as agency secretary because of the fact Welfare was under your--

Williams: Not directly. No, I don't think he actually gave me any direct heat, but I'd call him the Cro-Magnon man [laughter] and he'd call me a bleeding heart or something.

Shearer: This was in these intimate cabinet meetings?

Williams: He always smiled when he said that! I saw him just a couple of weeks ago.

Shearer: What about Vern Sturgeon?

Williams: Vern was a quiet, sweet guy. Vern Sturgeon or Verne Orr? Vern Sturgeon?

Shearer: Yes.

Williams: Yes, he would be there and also the fellow who handled the assembly, George Steffes. He would be there frequently. He would talk about legislative problems and so forth.

Shearer: Did you encounter difficulties with legislative programs from the standpoint of your agency.

Williams: No.

Shearer: To get the legislation that you wanted?

Williams: Getting it through, yes. We had great difficulties with the legislature because the first two years we had a Democrat senate and assembly.

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Shearer: Concerning the governor's staff members who exerted considerable influence in the cabinet meetings, you were just saying that the legislative assistants, Vern Sturgeon for the senate and George Steffes for the assembly, were both present.

Williams: They didn't interfere, as I recall, with program concepts. They were talking strictly about legislative chances and possibilities--who would support and who wouldn't support. I don't recall them being involved in the substance of the various programs.

Shearer: Somewhere I read in one of the other interviews that the governor's approach to legislation suffered from his unwillingness to get, or ignorance of the necessity of getting, an author of the bill who was attractive and influential and could swing the appropriate support. Particularly in regard to welfare legislation, it often was kind of a last minute affair with the governor saying, "Oh, I want to get this through. Call somebody and it's going to be introduced next week or two days from now," which made it difficult to get authors with broader appeal. Does this jibe with your recollection?

Williams: I don't recall that. We had our own person who would also try to get the bills lobbied through, who would go and talk with people on the hill, but I don't recall myself participating in the selection of authors. I think that the selection of authors probably was left up to Steffes and Sturgeon.

Shearer: And then they would have contacted, for example, the department head to get somebody?

Williams: He would probably assist in the drafting of the bill. He would probably go to the guy at Social Welfare who would draft the bill and then they would select the authors. I don't myself recall getting involved in that process directly.

Shearer: You say you met as a cabinet about twice a week and this was the occasion on which the mini-memos were presented.

Williams: Yes, that's right--mini-memos sometimes with a lot of attachments!

Shearer: Who would plow through all of those attachments? That would be staff?

Williams: Yes, right. This is my calendar. I would meet with my directors also about once a month and see what we could coordinate and what everybody was doing and discuss particular problems and so forth. Oh, the name that I couldn't remember, I just thought of--George Roberts was on my staff. He was my liaison with the Youth Authority, an outstanding person.

Shearer: He was recruited and selected by you?

Williams: Yes, he was a member of my staff. He came up through the ranks of the Corrections and Youth Authority system.

Shearer: Looking at the governor's staff members again--

Williams: There was another staff member named Win Adams. I just looked at this September 5 entry. I met with Haerle, Clark, Deaver, and Adams, and then Cap Weinberger and Jim Dwight, and then after that with Ed Meese.

Shearer: Any indication of the subject of your meetings--

Williams: No, it was September.

Shearer: About '67?

Williams: That was in '68. This time it was September. We had cabinet staff and cabinet meetings on Wednesday, apparently, and then cabinet staff would also meet on another day of the week, and they'd talk over things but it wouldn't be actually an official staff meeting.

Shearer: What does that mean, "cabinet staff"? Cabinet-hyphen-staff?

Williams: I think it means the staff...our assistants would meet and go over the agenda. We also met informally before the actual cabinet meeting. For instance [reading] on September 9: a cabinet meeting from ten to eleven-thirty and then the following week another cabinet meeting was scheduled but apparently scratched.

Shearer: That's interesting. I was surprised to hear that you met twice a week as a cabinet and only once a month with your directors. Is that because you were able to rely on these assistants to be liaison with the departments in the interim?

Williams: I met with my department heads more often but not as a group. I found that having the director of Employment there listening to the stuff on mental health problems didn't really contribute an awful lot. Then we started meeting in smaller groups, those affecting the Health and Mental Health areas and those affecting Corrections and Youth Authority and rehabilitation. That was more productive, but we still would try to meet once a month as a whole group to talk about interfacing and cooperating in certain areas and keeping them informed and whatnot. But the cabinet (where the decisions were made) met once or twice a week on a regular basis.

Shearer: I want to be sure that you didn't say this as the tape was fading out, but I recall earlier you mentioned that you considered yourself the governor's arm in the agency.

Williams: On the departments.

Shearer: On the departments, but the agency's advocate--

Williams: Spokesman.

Shearer: In the cabinet.

Williams: Right.

Shearer: How did that translate into practice?

Williams: Well here are two--let's look at the alternatives. The alternatives would be for the agency itself to run the departments... and that requires a much larger staff when you are making decisions--administrative decisions, personnel decisions--affecting all departments. I didn't think that was appropriate, but it is a two-way street. In other words, I can present ideas and programs. Everybody generally knew where the governor wanted to go. He never said, "I want this or that or this or that accomplished." I wrote to Ed Meese at this time and suggested he do that, but he assumed that we knew from his political speeches and so on where he wanted to go--to reduce the size of government and eliminate or reduce welfare and so forth. Then Ed would say, "We've got to cut the budget," and we'd know where our marching orders were. So I could go to the departments and [say], "We want to accomplish these things, and how do we do it?" Then [I would] take the results developed in the departments and go back and get them approved. A new federal program might be floated, and our departments heads would say, "Now, we can use this to develop certain areas to get a program started and we recommend we do it this way."

Williams: So we would develop it in the agency and then I'd bring it up in a mini-memo and recommend it to the cabinet--to the governor--and so it would be discussed in cabinet. Or somebody in cabinet meeting would want to know what was happening in motor vehicle pollution control. I would go back and find information and bring it back. Or they might criticize an idea or a bad program. Some of the governor's kitchen cabinet may have heard something about--oh, an example not in my area--about motor vehicle registration or something. They would send a memo down, and that agency would find out about it and suggest investigating a change in program which may be recommended from outside.

Sometimes the doctors would go and talk to the governor and suggest changes in the Medi-Cal program--how it is administered or what should be done or what should be undone. So then the governor's office would ask me about that and I'd go down to the department and work up a report and find out what it was, whether it was good or bad, and go back. So I was in between. I think it worked well.

Shearer: So the governor never issued a written program for his cabinet to then apply in their administration of the departments?

Williams: No. Early on they brought in a bunch of businessmen who went in to the departments and made recommendations of how the departments could be made more efficient and less expensive and how programs could be eliminated or improved. That was good. Then we all had big discussions and approved some and disapproved some.

Shearer: How were the businessmen chosen?

Williams: Volunteers and then they were selected--I guess, by the governor or maybe his staff. They came in and then we all had those implementation schedules and then every month we'd report how many people were laid off and how many dollars we saved and so forth. So to that extent there was a program, but that was an immediate program to reduce the size and the expense of government and eliminate fat and waste.

Shearer: "Squeeze, cut, and trim."

Williams: Yes, that's right. It was not so much a long range approach--I suggested to Ed Meese this time (1980) that he have the president tell all of the newly appointed cabinet members in a general sense, where he wanted to go, and have them report back in ninety days on how they could accomplish it, specifying what required administrative change and what required legislative change. Then have them prepare detailed programs for approval by the governor and cabinet. Thereafter, they would be required to make periodic report on their progress similar to the businessmen's reports we had in Sacramento but with more program content in addition to the savings.

Shearer: So the businessmen's report, this was a task force report?

Williams: A task force; they had printed reports.

Shearer: I see, and the businessmen's reports then did essentially what you just described, it gave a more programmatic indication of what actions should be taken by the agencies and determined whether it required legislative or administrative action?

Williams: I'm not sure the businessmen's reports in Sacramento (1967) differentiated between administrative or legislative changes. I don't think they did. But at least they came back with recommendations as to how the programs would be improved. Then these were discussed and accepted or resisted by the various agencies and department heads with the reasons given for certain ones being selected and certain ones rejected.

Implementing "Squeeze, Cut, and Trim"

Shearer: I'd like to get into the agency organization, but first, in terms of the mission to squeeze, cut, and trim, I'd like to know how you went about accomplishing that in your particular area? Was there any difference between the governor's perceived mission and what you felt you could accomplish and that the agency should accomplish in that respect?

Williams: I think we had a goal of a ten percent reduction, wasn't it?

Shearer: Yes.

Williams: He gave us flexibility. For instance, we actually increased in the mental retardation area and then we tried to find other areas where we could cut more than ten percent by altering programs, or by developing ways to bring in more federal money and thereby reduce the state budget. We also saved by placing a freeze on hiring in the departments where we thought they were over staffed. But I worked with the departments. I said, "Now, how can you accomplish this?" So they would come back with their suggestions of how they would meet the goals and sometimes we had to say, "Look, you're not meeting the goals and somebody's got to give more, here or there."

Shearer: Was this a very conscious effort to do program budgeting? Is that why you went to the directors and said, "You set the priorities on what you think can be done given the overall--"

Williams: I said, "This is our goal and how are you going to do it?" I didn't know their programs in detail. I didn't know the names of all the programs and I didn't know which ones were easier to cut than others.

Williams: They knew and they were honest about it and they were trying to accomplish the purpose. They were good soldiers, which brings to mind another thing I used to say. Initially when people came in to the Reagan administration who were not familiar with government, they thought people that worked for the Brown administration were on the other side--they were the enemy. There was a small enclave in the governor's office who thought everybody outside was the enemy. There was an article in Fortune Magazine about this 'siege mentality' a couple of years ago. There was a beautiful picture of the attitude toward the outside, the enemy. The ones inside were wearing armor, like Vikings. The article was about administration's attitude toward the press then. But I said, "Look, there are enemies out there, but ninety percent of the people who work for state government are good, loyal people. It's not like you are taking over the German army. It's more like a change of command from Patton's army to Bradley's army. I mean they are all Americans, all soldiers, and want to fight the war just like the general tells them. If they get a new general, they will march in the direction that the general wants them to."

So there were a lot of really hard-working, conscientious people who were trying to achieve this goal in the agency. I said to them, "How can you cut the program?" And they would come in with a way to cut the program, and they produced. They respected the trust we put in them and they performed--mostly. We had a couple of saboteurs but not many.

Shearer: In the agency?

Williams: Yes, in Welfare. There was this fellow named Cal Locher who was in the agency many, many years. They suspected him like crazy, but he would come in there and show us how to reduce some programs and cut and save money and did a great job.

Shearer: So he was not a saboteur?

Williams: No, he was not.

Shearer: Who was?

Williams: Over there?

Shearer: Yes.

Williams: I never found one under Welfare.

Shearer: In any other big departments?

Williams: There was a gal who was on the Commission of Aging. She was very much a politician and worked, I think, on Brown's campaign and had been throwing smoke around. I can't remember her name. Some people would

Williams: just resist, I think, change. There was a fellow who was trying to operate the first Medi-Cal program. I can't remember his name. He was a psychiatrist--a Ph.D., I mean, not an M.D. But we brought in Carel Mulder. Now Carel Mulder was a real pro. He did a great job. These people believed in their programs and they tried to reach the budget cuts without destroying the programs, and they were good soldiers.

Shearer: There is an account of Medi-Cal. It seems that the Medi-Cal program handed you a real hornet's nest the minute you walked in. You announced, I believe, that an eighty million dollar deficit would develop for the year 1966-67 and, as a result, you were going to recommend cuts in physical therapy, non-emergency surgery, and out-patient psychiatric care. Private hospitalization would be limited to eight days and so forth. You got a lot of flack from the California Medical Association, the County Supervisors Association, and then the California Rural Legal Assistance took that up as well.

Williams: I have a cartoon outside on this.

Shearer: Oh, you do. I didn't see it as I went in.

Williams: On the wall is the cartoon. It's an original. The controversy went to the Supreme Court.

Shearer: That was where it ruled that you had to prioritize the cuts.

Williams: I think they said we didn't follow proper administrative procedures to effect a change of program. We hadn't gone through the proper steps. I'm not sure. But we didn't win that one. There is a cartoon up there, "Reagan's shaking his finger at the Supreme Court."

Shearer: The article also mentions that subsequently the eighty million dollar deficit was eliminated. How did you manage that?

Williams: The cuts we did later tightened up administratively--

Shearer: But on the Medi-Cal program or by cutting other parts of the agency--

Williams: No, on the Medi-Cal itself. That was just a runaway program. We always were trying to tighten up. It had been adopted by the Brown administration just before the 1966 campaign. Brown thought it would help his chances for re-election. It was rushed through the legislature and was not adequately structured. It was just sort of out there and the money was being spent like crazy. The same with the service centers. But then we had some problems trying to grab hold of it and try to anticipate what the deficit would be. We actually finally got it under control pretty well. I kept advocating that the patient pay the first dollar but couldn't get it through because apparently federal regulations wouldn't allow it.

Williams: There were cases of patient abuse. There were also instances of provider abuse.

Shearer: Overcharging?

Williams: Overcharging and charging for services that weren't rendered.

Shearer: How did you get a handle on that?

Williams: We had to hire a bunch of investigators. The nursing homes were-- some were overcharging, some were not providing adequate services and so forth. Most were pretty conscientious. The hospital expenses were going up and it was hard to control them. They weren't cheating; everything was getting more expensive. We tried to reduce hospital stays and things like that. I can't remember all of the details now, but it was a big, big, big problem. I used to meet with the California Medical Association doctors once a week and we worked with them, but they did resist anybody telling them what to charge. They didn't want us to tell them what they should charge. They wanted to charge Medi-Cal at the same rates they charged their private patients. They didn't want anybody checking their treatment, and we did that, too. We had to supervise their peer review committees to see what they were doing, for example, in the overtreatment of patients, or in giving shots for vitamins when they should be giving pills. We just almost had to start from scratch--the total structure.

Shearer: For the investigative part?

Williams: Once we got the standard guidelines established, then we had to check and see that they were following them. We finally hired Blue Shield to audit the reports and things like that.

Shearer: Did you get to a computerized billing and so forth to streamline--

Williams: Actually, Blue Shield became the fiscal intermediary, they called it, and they processed the bills. They would review them there for the overpracticing or double billing and that sort of thing. So that was contracted out and for a small percentage of the total billing. After I left, they changed to another company.

Shearer: Did that effect the savings as well, this contracting out to Blue Shield?

Williams: Yes, they were able to tighten up because they have better control over it. At the first meeting, I remember, on this program they were talking about the Blues. I said later to one of my assistants, "Who is this guy, Blues?" He said, "No, they are talking about the blues-- Blue Shield and Blue Cross." [laughter] That's how little I knew about it!

Shearer: One thing that I read that was proposed to help keep Medi-Cal costs down was the idea of the small prepaid health plans, sort of mini-Kaisers and this I gather didn't find a very receptive--

Williams: There were lots. I don't remember that one. The one that I wanted and we couldn't get through was to have the patient pay something themselves, so they would have to put it on their scale of values...whether it was worth a dollar to go see a doctor. Then we had instances (they may not be typical) where the person would go in and sit in the doctor's office and wait to see a doctor and visit with all the patients, then go and see the doctor, and then go home. But the real reason she came was because she was a lonely old lady and wanted to talk to somebody. So she would visit. I was told--not documented--I was told there were cases where she would go and see the doctor immediately and then she would come up and sit with the patients out there so she could still visit with people. That's sad and pathetic, but you don't want to be charged a doctor's fee for that kind of a social--

Shearer: Not thirty dollars an hour.

Williams: Yes, and if the person had to pay a dollar, he might not have come. He might say, "I'll go some place else for my socializing."

Shearer: How would the dollar be paid, so that the state would get--

Williams: Cash, to the doctor.

Shearer: So it would be like a surcharge? Or would it be taken off the doctor's recharge to the state?

Williams: The doctor would say, "the bill is thirty dollars and I'm charging twenty-nine and I got a dollar in cash from the patient." That's one way of doing it.

Shearer: The doctors opposed that?

Williams: No, they didn't oppose that. The federal regulations prohibited it.

Shearer: Was that one of the regulations that caused Mr. Reagan so much frustration? On several occasions he said he felt that the major problem with welfare was that the programs that could otherwise be cut or eliminated or run more efficiently were mandated by federal regulations.

Williams: Absolutely. The federal regulation specified the staffing requirements of the welfare department.

Shearer: That means ratio of worker to--

Williams: To recipient. They had another bunch of regulations that were to control the state. If we didn't obey, we'd lose federal funding and so we had to do it. We'd try to get them changed. I went back to see the secretary of HEW on one occasion and just couldn't do it. It was a Democratic administration then under Lyndon Johnson and they had no problems. I guess those were the butter and bullets days, and they were printing money, and we just couldn't get the running room we needed to make some of the changes. So we weren't able to achieve them all; we achieved some, but not all.

I was not there the fourth year of Governor Reagan's first administration and the four years of his second term, so I wasn't privy to the continuing education of the governor, but he is a very flexible and reasonable person. So I guess he learned a lot from the second term, too.

Shearer: Can you comment on Robert Martin, the welfare director.

Williams: As I recall, he was there just--

Shearer: He replaced John Montgomery, he joined the Nixon administration. He proposed that California become the demonstration state for bloc grants to be paid to quasi-public corporations formed by welfare recipients. The state would be the investor and auditor.

Williams: That rings a bell. There was another one. He succeeded Montgomery. He probably was there only about six or eight months that I was there--probably.

Shearer: Why was his tenure so short?

Williams: His?

Shearer: Yes.

Williams: I don't recall. Who succeeded him? Carleson?

Shearer: That's right. He came back in 1971.

Williams: I think Cal Locher was acting director for awhile after Montgomery left. Then Martin came in. Carleson was there in the agency or in the department I think for awhile because, as I recall he did pick up on this matching tapes from the Board of Equalization and recipients' income-reporting and implemented that finally. Just before I left to run for attorney general again, I had a meeting for the press and went down to the Department of Employment and I showed them the big tapes and how we were going to match them, and somebody wrote me a letter saying it was just like Orwell's 1984 with the government running our lives, and how terrible this was to start checking up with tapes. But we got some pretty good press on it. I can't remember Martin right now.

Shearer: Martin was described by one respondent as having great difficulty in his appearances before the legislature, that he really wasn't as well prepared as his predecessors or his successor in the administration of Welfare or the subject of welfare and that his performance really didn't measure up.

Williams: That's why the tenure was so short, I guess!

Shearer: What about Robert Carleson? Did you know about him from public works?

Williams: I knew him. I remember meeting him, but I didn't know him too well. But he certainly established a reputation as a good administrator and then we went back with Cap Weinberger, I guess, when Cap went to HEW and was well regarded.

Use of Task Forces

Shearer: I would like to ask about the task force approach. You used a task force several times in the reorganization of several departments into the Department of Health.

Williams: I resisted that, but after two task forces came back and said, "It's a good idea," why, I said, "Okay, I can't resist it any longer." Now I guess they're taking it apart what we put together. My concept (and I think it was a good one and we used it effectively) was to get some of the second- or third-level bright young administrators from the various departments and put them together as a task force to go in and look at an operation and see how they could improve it, using in-house people. I wanted to have a whole group of names, not just from my agency but from all the agencies on this eligibility list to be assigned to these task forces. Take some guys from Corrections and a guy from Parks and Recreation and some other places and put them together to check an operation and make recommendations. They would bring ideas from their own agencies. They could make a good analysis because they'd know the system. In this way they could also establish reputations for doing good work. It would pinpoint them, for a promotion, ultimately. It would not be expensive and it could be very productive, and we'd get some very good reports.

Shearer: Looking at a brief chronology of the reorganization plan, apparently in 1967 a legislative analyst proposed that the departments of Mental Hygiene, Public Health, and Health Care Services be consolidated. Then I guess that was the kickoff. Why did you resist it?

Williams: Three reasons--two reasons at least. One reason is that during reorganization, people start spending more time thinking and worrying about where they're going to end up than doing their job, and so you

Williams: have a big dropoff in productivity of individuals. Secondly, if you have a Department of Mental Hygiene and a Department of Public Health and a Department of Health Care Services, you can probably attract to California the most qualified people in that field to come and be a department head. But if you have one department, you can get one highly qualified person for that job, but other top people won't come out to take a number two position. So we would be unable--I think, what my view was--unable to continue to get the best possible people to run these very expensive and sophisticated and complicated programs. So I thought it would make no sense. As long as you had good coordination between the departments, which you can have through the agencies, you didn't need to consolidate them. You're just moving boxes around on paper and not making really any substantial savings. I read a year ago--that they are trying to pull it apart now and make separate departments.

When I was working with Cap initially, I went back and looked at some of the history of state reorganization. It's like the ebb and flow of a tide really. Reorganize--and then it depends on what is common to the grouping. Once they had a Department of Institutions and they had Corrections and mental hospitals and anybody who had an institution--they had the TB hospitals--all in one department because the common factor was each had to have a building. Then they got to thinking about programs and then reorganized on a program basis. So it keeps ebbing and flowing. That consolidated Health Department, I guess, became too unwieldy and they've now pulled it apart. That's why it was important in my agency--The original concept for the agency was, don't try to run it as a big department. Every department had its own program, its own director, its own decision-making process, and we just coordinated them and we were their spokesmen before the governor and the governor's arm on them to make sure they stayed in line and did the job.

Shearer: There is a saying in connection with computers that "garbage in, garbage out."

Williams: That's right.

Shearer: I am noticing in the account of the genesis of the task force recommendations that those task forces which were composed largely of departmental representatives tended to recommend retaining the departments' independence and merely strengthening coordination. It wasn't until the third task force or the second, which you split into two parts and allowed the departmental representatives to be a study group and a relatively independent group of consultants to submit a separate report that you got a solid recommendation from the independent consultants saying, "Merge."

Williams: Yes, some guy from southern California or USC.

Shearer: Alex Croner of USC?

Williams: USC, yes.

Shearer: You said you resisted it at first. Was your appointment of the first task force influenced partly by your desire to keep things as they were?

Williams: No, I think my first task force recommended consolidation.

Shearer: According to the Cal Journal,* the task force reported there was a problem, but they said the way to deal with it was through strengthening coordination in certain overlapping functions among the agencies, but not merging into one big department.

Williams: I resisted it for the reasons I stated, and I guess there was enough doubt about it that we took another task force to do it. But he came up with some interesting concepts about changing support divisions to fit the changing needs of the programs or whatever it was and it sounded pretty exciting. So I said okay. I was gone before they actually did it.

Shearer: That was then left for implementation by Earl Brian?

Williams: Yes.

Recollections of Earl Brian and Robert Finch

Shearer: I haven't asked you about Earl Brian. He is very interesting. In spite of his extreme youth and relative lack of experience in state government he was elevated so soon to such a responsible position as director of Health Care Services.

Williams: Then ultimately he became director of the agency and then he ran for the U.S. senate.

Shearer: How did that come about?

Williams: Okay, this is quite a story. Earl Brian was a friend of, I think, Jim Crumpacker. He was from South Carolina or North Carolina. He was first appointed as secretary to the Welfare Commission. He would report back to Crumpacker what went on at the Welfare Commission with his own interpretations and his own orientations which were very conservative. So the welfare commissioners, who were getting feedback from the governor's office about this and that, realized that they were kind of undercut by Brian. They were going to fire him. They wanted me to fire him. John said, "The commissioners won't stand for this anymore. This guy is a M.D., but he's just 'ratting on them' all the time."

Shearer: This is John Montgomery?

Williams: He told me that. So I said, "Wait a minute, I just heard that he is going to go on active duty in the Vietnam War and rather than have a confrontation, just wait and he's going to disappear." So we waited and he went away. Then after he did some service in the Vietnam War he comes back and so they put him in as director of the Medi-Cal program.

Shearer: Yes, which was then called, I think, Health Care Services.

Williams: Yes, I think about that time Carel Mulder retired. Mulder had many years of service, starting with the state in '32. So they put Earl Brian in there. He was a doctor, so that automatically made him qualified, plus he was very conservative philosophically and he had the experience to some extent in welfare as secretary of the Welfare Commission. But he came back and started running that program.

Shearer: So his appointment was by the governor with your endorsement or without?

Williams: I don't recall if I was still there then. When did it happen? He was a very bright guy and a very nice--I saw him back at the inauguration and we had a nice visit.

Shearer: Would you have recommended him for this appointment?

Williams: I would have resisted him then. I probably figured it was a foregone conclusion probably and secondly, we could see what he could do. But he was a very bright guy and he might have had a good program. Maybe he did a good job. I'm not sure. I heard later, after I left, that the filing forms were getting very, very complicated for getting payments under the Medi-Cal program, and I wondered whether that was a gimmicky way of delaying payments so they could keep the budget down. It took, say, two months to run the claims through and then you enlarge it to four months, why, you are going to get a two-month reduction in the budget in expenditures at least. I don't know if that happened or not.

Shearer: He was very interested in the computerized billing of services and the quarterly computation of benefits, which he argued would streamline--

Williams: And speed up then--

Shearer: Speed up conceivably and yet there were also, I recall, some tightening of eligibility requirements and that had to be computed which might have had the net effect of actually slowing it down.

Williams: Anytime you deal with the government and they make the forms complicated, just what they are doing is they're just saving the money. They're not giving the money as soon as they might. But I don't know

Williams: if it's used as a device or not. In any event, he may have come on near the end of my term there because in about the summer of '69, I was planning to run for attorney general a second time. I stayed on until I resigned in early January of '70, and I actually didn't do any campaigning until then, but I was going around the state and doing a lot of speaking on agency matters and making my contacts.

Shearer: I have 1970 listed, but that might have been late in the year.

Williams: I left in early '70.

Shearer: Okay, then you wouldn't have necessarily had to act on his appointment.

Williams: No, it would have been Vandegrift then because I had been there almost three years to the day. I went on the bench in '71.

Shearer: Your successor was James Hall.

Williams: After Vandegrift.

Shearer: That's right, he popped to the top then when you left. So James Hall came then in '71.

Williams: Yes, he had been, I think, head of banks. He had been with the administration in another position.

Shearer: I also understood that he had some run-ins with John Montgomery when he was still in office.

Williams: In the state or with the feds?

Shearer: No, there was a public meeting. I think it was a meeting at the governor's convention at which--

Williams: In Palm Springs?

Shearer: I don't recall the place, in which he addressed the governors and at that point I think spoke critically of Montgomery who was present.

Williams: I think that he might have--he was commissioner of the Banks of California. He lived in Piedmont, Jim Hall did. I left and I don't know if he was still in that position, but Vandegrift took my place. By the time I left, Montgomery had already gone back and was with HEW in Washington. So it might have been that he, when he was secretary of the agency, gave a speech in which he criticized Montgomery and his program in Washington and the federal government, or he might have criticized his prior performance in the state, but I wouldn't think that would be typical. He might say that even with a Republican administration back in Washington making it difficult

Williams: for us, John is the bad guy. That might have happened, but he wouldn't have any reason as a commissioner of banks or whatever they call it to take on the Welfare Department.

Shearer: Apparently, there was a certain amount of frustration and irritation with the people who left the administration, such as Montgomery and in this case someone who left the assembly--Veneman--to go to Washington and then surface in HEW there as being almost traitors to California's cause because they were then in the position of being the disbursers of funds and regulators of program performance.

Williams: It could be. I was considered for the number two spot in HEW, and Bob Finch said that no, the president wanted somebody from private industry. I said, "I know the programs, I know the people. I think I could do a good inside job for you, run the department while you keep the White House and the Hill happy, and we'd have a good operation going." But it didn't work out and so Veneman went back, and Veneman is just like Bob Finch. He is a politician, but he was never an administrator. So that's one of the reasons they ran into difficulty. Bob had never administered anything on a big scale. He had difficulty making a decision. Jack Veneman was doing the lobbying on the Hill and was very good at it, but he was not an administrator. There was an article in Life Magazine, I think, called "The Rescue of Robert Finch." It was the president who pulled him out possibly because he had great difficulty in making a decision and then forgetting about it. He would chew it over and chew it over and chew it over again and you can't do that with all of the decisions you have to make at HEW. So he left HEW, became a counselor to the president and did a very good job, but trying to make those decisions is a big job. I always figured it's better to make the wrong decision than no decision because you'd get movement and you can correct it and change direction and modify it if you make the wrong decision. If you sit there and do nothing, then pressure builds up and things get out of control. That happened to Bob. Decisions were made without him and people who had to go forward and do things just did them and so he was kind of losing control. An awfully nice guy--in fact, I saw him just about three weeks ago--but that was like putting a quarterback in a tackle position. A guy with terrific talents in the wrong position.

Shearer: Yes, that's really terrible to be in a position that is over your head or just in the wrong setting.

Williams: Yes, he would have been a great senator--great in that area. But to be an administrator and making decisions every half hour was something he had never had to face. I had done it all my life and I think I could have done it there. But here again, I came out great! Here I am in San Francisco and chatting with you and, good heavens, I have a lifetime appointment. ##

IV THE GOVERNOR'S APPOINTMENTS AND ALLIES
[Interview 2: February 22, 1982]##

Recollections of the Governor's Staff Members

Shearer: I'd like to ask you about Mike Deaver.

Williams: Mike Deaver was with Reagan in Sacramento. He came up from Santa Clara County where he was executive director of the Republican Central Committee. He is now with Reagan, one of the top three on his staff. He is supposed to be responsible for the body--keeping Reagan healthy and happy--scheduling and that sort of thing. He has been with Reagan since Reagan left state government, and Deaver was running a public relations firm and helped Reagan with his radio programs. He used to give Reagan analyses of the news and so he was with them and is very close to both Ron and Nancy.

Shearer: I heard him described in one interview as being Mrs. Reagan's favorite among the staff people around the governor.

Williams: I think that's true, I think that's true. He is a very nice guy and he was very helpful to her to keep the governor from wearing himself out. He was very close to them. He is one and Ed Meese, of course, is on the staff, close to the president, and Bill Clark.

Bill Clark is the predecessor in the old position that Ed Meese took as the executive director of the governor's office--a chief of staff, I guess.

Shearer: Do the three of them comprise the troika?

Williams: Not for now. No, the troika now is Deaver and Meese and Baker, the fellow from the Bush campaign. Now it has gone to four with the addition of Bill Clark. So it's three Californians and one Texan.

Shearer: It is predominantly home towns, the home state--

Williams: That does happen with most presidents. [Secretary confers with judge who then phones Mr. Deaver to discuss a barbecue planned by President and Mrs. Reagan at their California ranch.]

More on Agency Reorganization

Shearer: I think when we wound up last time, I was asking you about the reorganization. We had talked a little bit about the chronology and the task forces that you appointed or rather the two task forces, the second of which was split into two sections.

Williams: The first task force recommended the reorganization of the Health Department. I didn't think it was a good idea for the several reasons I mentioned last time. So we formed another task force and they recommended the consolidation. I decided maybe we should go outside and get a new third opinion and they recommended consolidation. So I said, "Okay, let's go with it." It was just getting started when I left.

Shearer: At the time that the hearings were held by the Little Hoover Commission, some of the opponents of consolidation feared that it would become, in a quotation from the California Journal, an "unmanageable colossus."* There was some opposition, too, from social workers who feared that the Department of Social Welfare would be dismembered and its functions scattered as a result of that.

Williams: Again, they were concerned about where they were going to end up and they probably spoke on behalf of their programs and maybe their motivation would be on behalf of their own position and their future. There is some interesting thoughts in the reorganization proposed by the doctor at USC, such as restructuring units to support a particular program and then be able to have them converted to support another program. That became important. It was a more flexible arrangement and it sounded interesting. I don't know whether it worked or not, but it was an interesting concept which was not strictly the pyramid concept that most state governments and federal government departments are organized under where you have a head and a couple of assistants and you have this pyramid. They had a much more flexible arrangement for rendering service to the different programs. One unit could render similar services to the various programs and it was an interesting concept.

Shearer: This was this Dr. Alex Croner from USC?

Williams: Yes, that's the one.

Shearer: Is the structure that he recommended the one with divisions? One would be health treatment systems, health financing systems, health protection systems--

Williams: That's it, yes.

Shearer: So he tried to pull it all under five divisions. How did this work in practice? Why was this changed again?

Williams: At that time?

Shearer: You said it later was--

Williams: I have read the paper that the Brown administration was trying to separate them back into individual departments because it was a colossus and wasn't working. This was from just what I read in the paper. I have no independent knowledge of that.

More on Earl Brian

Shearer: You also talked a little bit about or mentioned Dr. Earl Brian who had such a very early entry and a very rapid rise in state government. What was your first encounter with him?

Williams: He first came on board early in the administration as the secretary for the Welfare Commission composed of people appointed by the governor--they are not paid. They give their time and they sort of oversee the department and make recommendations and so forth. He was the secretary of that board, an M.D., and he had some guy on the governor's staff who was a good friend of his, I think maybe Jim Crumpacker. In any event, he antagonized the board because he was reporting unofficially to the governor's staff what was going on at the discussions and so forth rather than going through the director to the governor's office and the regular chain of command. He was kind of talking and putting information on them that they thought was unfavorable. They wanted to have him fired, but I found out that he was about to be called to active duty to serve in Vietnam and so we just waited a month or so and he left. Then he finished his service and came back.

Shearer: Why do you think he bypassed the appropriate channels?

Williams: There are some people in government operations and maybe in industry, too, that want to have a direct line from the various departments to them rather than going through the department heads. Now, maybe they think that the department heads will improve the report or make it look better than it really is or modify it to make it sound satisfactory. I don't know, but they wanted direct input. I personally think it is a bad system because it undercuts the department head. It's sort of like going behind his back and there is no one there to modify the report of the person who is coming in. He may have one viewpoint and it gets in and it's not the viewpoint that is ultimately developed by the department and that ultimately becomes department policy. So I think it's destructive.

Shearer: From what you said just now, my impression is that he did his reporting directly to the governor with the encouragement of the governor.

Williams: Not the governor, no. I think this was encouraged by the young men around the governor on the staff. I have never had any knowledge whether the governor was informed or where this sort of--I won't call it underground--but this direct contact originated. I knew it was in that department and I think it was in several other departments.

Shearer: What other departments?

Williams: I don't know of any, but I wouldn't think it was going on in just one area, this approach. There were some who thought that when they put Bill Clark into the State Department recently that he was there to sort of give direct reports on what Haig was doing--maybe not, but certainly that was the case with Brian. When he came back from Vietnam, he had been appreciated by the administration--he became head of Health Care Services. It was about the time that Carel Mulder, who was over in that department, retired.

Shearer: He was described when he took over the department of Health Care Services in 1973 as an aggressive, energetic administrator who was really going to put this reorganization plan into practice. Do you think his performance then bore out this reputation.

Williams: I guess he came into Health Care Services and then he went to the head of the Department of Health and then to secretary, and then he ran for the United State Senate. I left in 1970 and so a lot of what happened after that I just got from newspapers. I was busy from '70 to '71 in private practice and then in '71 I came on the bench and was fully occupied with this and didn't have much public contact. As a matter of fact, when I went back to Sacramento in the first year of the Brown administration and Obledo invited all of the secretaries back to talk about their problems, Earl Brian didn't make it. But I did see him at the inauguration in 1981 in Washington and he came down. I guess he is in New York now doing some consulting work. So I have sort of lost contact with that.

Robert Carleson and Welfare Reform

Shearer: Robert Carleson from Public Works was the head of the Welfare Reform Task Force, and I think you said that you had some connection with or knowledge or acquaintance with him.

Williams: I recall him, yes, and I recall he became director after I left and that he followed up and did a good job with a program of cross-checking Franchise Tax Board reports of employers and welfare reports on what the welfare recipients were earning to see if there was any discrepancy that would indicate a possible fraud. So he really did a good job in putting that program into effect. It took me almost three years to get it developed because of bureaucratic resistance or just delay, but finally he got it and he did a good job with it.

But my task force concept was to get, as I said before, bright young people not from my own agency necessarily, but from other agencies--from Public Works, from Resources, from GSA, as well as my own agency, and to get the top bright guys and have them in sort of a pool, maybe have them especially assigned to task force responsibilities, and then send them into the department and make a report, send them into an agency to look at some problem. In this way they would cross fertilize ideas from one agency to another, and then it would give them visibility so they could be tapped for important assignments and promotions. So it served two purposes: a) it was in house so it wasn't like hiring an outside consultant; it was less expensive; b) those guys were really bright, tremendously able, so it gave them a chance to demonstrate their abilities. So it should help everyone and I thought it was successful.

Shearer: The naming of the task force was not announced publicly--at the beginning--the first published reports indicate that it was in practice in August of 1970. I guess that would have been after your departure.

Williams: Yes.

Shearer: Do you happen to know if the task force was made known to the department personnel as early as it was named?

Williams: I don't know. I would think it would be. It would be kind of unusual not to, but they might have wanted to launch something in secret or something, to make an impact, but Vandegrift was essentially running the agency from about October of '69. I was phasing out. I was getting ready to run for attorney general again and so I was doing a lot of traveling in the state and speaking and that sort of thing, so that the inception could have started then, the seeds could have started then. But I wasn't aboard, as I recall, when it happened.

Shearer: What can you tell me about Mr. Carlson as an administrator?

Williams: He seemed to be very good. I recall him as a quiet looking dark-haired guy. He had dark eyes. He seemed to be self-confident, but not pushy or loud; just a cool, good administrator.

Shearer: He managed to bring with him some people who apparently were very inspired and worked day and night for months and months and months to get this task force report finished.

Williams: Yes, one of my staff persons Robert Fugina [spells name], I don't know if he is on your list or not, but he was on my staff for working with welfare and I mentioned in the last session Cal Locher, who was in Welfare and was acting director for awhile. I think Bob Fugina went over to the Welfare Department about the time I left or just before or just after and worked in the Welfare Department. I wouldn't be surprised if he wasn't very active in helping Carleson. He was a very excellent state employee and a top-flight administrator.

Shearer: So it doesn't seem unusual to you that the welfare task force would have consisted of members of such diverse departmental fields as agriculture and conservation?

Williams: No, that was my concept I mentioned before, that you bring in professionals who can be impartial and objective--no preconceptions about programs.

Shearer: Did you have a sense that Carleson might be appointed as director?

Williams: No, I don't; I didn't.

Shearer: Richard Malcolm was brought up by Robert Carleson to be overall head deputy, but Malcolm was based in Los Angeles. I found that curious, since most of what was going on seemed to be in Sacramento, that is, the real governing of the department. How could he have been overall head if he were based in Los Angeles?

Williams: The only explanation would be that Los Angeles, of course, would probably have consumed over half of the budget because of the number of people in southern California and the number of recipients and the number of programs that were concentrated on that huge population, so he might have felt that as the administrator of the programs, he had better be closer to where the bulk of the program was being run. They did have a huge building down in Los Angeles, for instance, for the welfare workers, recipients, and the supervisors and all that sort of thing--not recipients but the program administrators. That could have been the theory, but I have never talked to anybody about it. That would be just my surmise.

Welfare Reform Task Force

Shearer: I wanted to mention the names of the other members of this task force and ask for your comments. Jerry Fielder, head of Agriculture; John Mayfield, deputy director of Conservation--

Williams: No.

Shearer: Ned Hutchinson?

Williams: Yes, Ned was in the governor's office. He was the appointments secretary and a very hard-working, intelligent, aggressive guy. I imagine it was a great experience for him to be on this, too.

Shearer: He was described in another interview as being very much the driving force behind economy moves. I guess he promoted the use of fleet cars to cut costs. Does that jibe with your recollection?

Williams: Oh, yes, he was interested in cost saving and program--getting the fat out of the programs. He was very conservative and very intelligent and a very, very nice guy. He died very suddenly when he was a young man on the tennis court about two or three years after I think Reagan left office. He had stayed in Sacramento and was working there in some capacity, I think in private industry. But he was a hard-working guy, a real driver. I think his background had been in real estate in San Mateo County. He came in with a lot of strong ideas about welfare and welfare reform like a lot of people did and, as I say, I think that task force probably would have been a great experience for him to get into the inner workings and see how we've done and then make an assessment of what could be improved.

Shearer: That's interesting. You mention that he came in with a lot of ideas on welfare reform. Do you mean he came into government service or he came into the Reagan administration?

Williams: I think he came into the Reagan administration with a lot of ideas of how welfare was taking over the state and that we had to change it. We did a lot to make it more efficient but generally speaking the less you know about a problem the easier the solutions seem to be. When you get closer to it and you see some of the intricacies of the problems and that sort of thing, then solutions become more difficult. But the basic purposes are still there and the basic desire is still there and sometimes the methods of achieving them have to become a little more sophisticated as you see the details that you have to work with. But he came in with very strong beliefs and he really worked hard at it.

Shearer: Do you think his beliefs were modified, judging from what came out of the task force?

Williams: I think so. I don't know what came out of the--

Shearer: The welfare reform--

Williams: Oh, I guess they had a department of payment service and they changed the departments around and they had one for benefits--

Shearer: There was something called equitable apportionment grants to achieve an overall reduction.

Williams: Oh, that's right and they would give more to the people who were really needy and then less to the people who could help themselves. There were some ridiculous results in the payment programs that would encourage people to quit their jobs and make more money on welfare than off welfare. All of those were negative incentives to work; they were always trying to get rid of the regulations.

Shearer: Are you referring to the "disregards" that were made possible by federal regulations--the first thirty dollars of a recipient's income was to be disregarded and then one-third was to be disregarded in the computing of the welfare benefits and then reasonable costs of working was to be disregarded, special needs up to a certain point were to be disregarded. Is that what you were referring to?

Williams: I was thinking not about the way they worked out the actual payment formulas which was very, very expensive to have case workers doing all of that computation. I was thinking of the situations where a person who is working and had to pay the cost of going to work themselves and had to pay for their clothes and they had to pay for babysitters and could take more home if they just quit and went on welfare. So there would be an incentive not to work. That, of course, was absolutely contrary to all of the concepts that we have on welfare and Reagan's concept was to give them a hand up and not a handout. But they found that going to the handout put more money in their pockets. So those were some of the things we tried to attack. I am sure the task force worked on that, too.

Shearer: In one sense there seems to be a contradiction between the opposition to the disregards, which allowed an employed person to have his little edge by going to work and still get benefits, and wanting to get him off welfare and give him sort of encouragement [to take] a step up through his own efforts.

Williams: You could phase them into the work force so that they could make more by working and having a welfare supplement and then as they moved up the job ladder, you could phase them out of welfare altogether if they decided to move up the job ladder. But it would be good to get them on the job even if they have to be supported initially rather than to go strictly off of welfare in one big jump.

Williams: But there would be some criticism of keeping persons on welfare while they were working for private industry because it looks like the government was subsidizing substandard wages by keeping a person's welfare benefits going while they were with private industry. So there is that criticism that could come from the program where they allow the supplementation of the worker. But it is better to get them phased off, I think, of welfare rather than to try to jump off in one big jump.

Shearer: Yes, it might, I guess be interpreted by the industry as an incentive for them to keep employees at the lowest rung since at that point they can keep getting welfare benefits.

Williams: Sure, that's right, and they're not paying full value for the job that's being done because the government's helping to pay the wages so to speak.

Shearer: During the negotiations over the Welfare Reform Act, there were certain active members of the negotiating team. I'd like to just mention their names and see if you can tell me something about them. Leo McCarthy, William Bagley--

Williams: They are both legislators, Leo McCarthy a Democrat and Bill Bagley a Republican.

Shearer: Bagley was on the Assembly Committee on Welfare and was chairman, in fact, in 1971. One of the staff members to that committee was named Jack Rosen. He was apparently very active.

Williams: Yes, I think I recall Jack Rosen.

Shearer: John Burton?

Williams: John Burton is an assemblyman from San Francisco now a congressman.

Shearer: Then there was Bob Moretti, the speaker, Governor Reagan, Ed Meese, Robert Carleson, and Ronald Zumbrun. As it developed apparently a certain amount of upset that developed, abrasions between the governor and William Bagley.

Williams: I could imagine! [laughs]

Shearer: Was that a situation of long standing that was just exacerbated or how did you think that developed?

Williams: Of course this particular committee, I think, came up after I left state government, but Bill Bagley was outspoken. He became a fairly liberal Republican and I am sure that Ed Meese and the governor felt that he was not willing to squeeze hard enough on some of the programs or willing to try hard enough to change things, that his

Williams: sentiments were perhaps more on the other side--help everybody keep the programs going and so forth. This is just speculation. I wasn't there but I could see that the personality of Bill Bagley and his general attitudes and that of the governor and Meese come into conflict.

Shearer: I gather that when Veneman was in the assembly--John Veneman--that he and William Bagley occupied more or less the same band on the political spectrum, they both being moderate to liberal Republicans.

Williams: Yes, I think they did, very close, very similar. Of course, Jack left and went back to HEW with Bob Finch. But he was interested in welfare and I would say he was perhaps a little more conservative than Bagley. I think Bagley would have been more liberal than Veneman, but they overlapped a great deal.

Shearer: Was there a certain amount of bad feeling between the governor and John Veneman? I seem to remember somewhere reading of Veneman being described as Jesse Unruh's operative or "under the thumb" of Jesse Unruh.

Williams: Jesse, of course, was in the assembly as speaker of the assembly when Veneman was there, so they had known each other a long time. I imagine they had a good rapport though they knew where each other stood. I wouldn't say that the governor had bad feelings. I think he probably was disappointed that some of the Republicans, who had been there a long time before he became governor weren't more down the line with his programs and it's easy to see why he would be if he couldn't get the votes to get the programs changed to the extent that he could change them in the state legislature. But he was new at it then. I think he is much more sophisticated now in Washington, recognizing that the Senators and congressmen have their constituencies to deal with and they have their problems and he can't get them all a hundred percent of the time.

Shearer: Do you think that was a factor in his early failure to get his legislative programs through, that he just kind of expected the Republicans to hew the party line?

Williams: It could have been. At one time he had both the senate and the assembly with a majority of Republican leadership and he failed to get one of his tax reform bills through because he couldn't persuade an ultraconservative, a very unyielding Republican senator to go along with him and he lost by one vote. But he has always had respect for that senator. His name was Clark Bradley from Santa Clara County, but Clark did not think the program was appropriate and no matter how hard the governor tried to persuade him he just wouldn't do it. It was a big disappointment and later he lost the--the Democrats took over the majority of the senate, so he didn't have the opportunity he had then. That's a story in itself, the Clark Bradley holdout.

Shearer: Can you be more specific about that?

Williams: It was just that he didn't believe that the program was appropriate, whether it wasn't structured right or whether it didn't go far enough or went too far I can't remember, but he held out. He was the one--his vote would have allowed I think an earlier ballot on control of the taxing powers and reduction of costs and taxes and stuff.

Shearer: Were you in a position to recommend or give suggestions on legislative programs--that is, on legislative strategy--and choose authors of bills or attempt to do that?

Williams: We didn't get into that too much as far as the authors were concerned. We would recommend programs. We would have them drafted by our--departmental lobbyist, a legislative liaison officer, and they would come up with various programs and we would come up with various programs and we would kick them around the agency and then have them drafted and then take them over to the Capitol. If they were bought by the cabinet and the governor then they would go to Steffes and Sturgeon--the two guys who represented the governor's office in the senate and in the assembly to select authors and have them processed. In our departmental thing it was Nick Petris Act* on reorganization of the mental health program. Then the Department of Mental Health guy, who was a lobbyist, sort of shepherded the bill. But I think he probably consulted with the guys on the governor's staff as to who would be selected as author, but I wasn't involved in that much--more on the program.

Shearer: How did Clair Burgener fit into this?

Williams: Clair Burgener from San Diego was very fine, understanding and supportive of the governor I think right down the line according to my recollection. He was very interested in mental health programs and he was very helpful to the administration.

Shearer: His bill originally was proposed to carry the Welfare Reform Act but was passed to Anthony Beilenson to--

Williams: A Democrat.

Shearer: Yes, to have his bill be the structure under which this negotiation would take place. Why do you think the Burgener bill was not retained?

Williams: I can only surmise here and that is that the assembly was Democrat and Beilenson was a leader in the assembly. In any event, the proposal would probably have had more acceptance with the majority

*Lanterman-Petris-Short Act.

Williams: of votes from the Democratic party to have a Democrat as the only author. That might be it. There may be something else, but that would be one possibility.

Nixon and the Family Assistance Plan

Shearer: Now I'm shifting to President Nixon's family assistance program. That was something that John Veneman was involved in and Robert Finch certainly. Did you have a position on that or an opinion at that time, when it was being developed?

Williams: I am trying to recall. We did go down to the southern White House one time, Reagan and I and some of the members of staff--I think Lucian Vandegrift was with us--and talked about the program. I remember going back to Washington once and I think we talked about the program, too. They were talking about negative tax in those days originally also. Moynihan, I think, was on the White House staff, now a Senator from New York, and he was talking about negative income tax as a substitute for welfare programs. But I can't remember the details of the family assistance package that they were taking about, so I can't really recall whether we took a strong position.

Shearer: What I was driving for in my question was--

Williams: Is the needle going? [referring to tape recorder]

Shearer: We have to speak in order to make it work. I wonder why there seemed to be such resistance and disturbance on the part of the governor over the idea of a family assistance program and, on the other side, why there seemed to be such a tremendous amount of attention directed to California and the welfare reform package. I am wondering whether there wasn't some apprehension on the part of the president (President Nixon) at the possibility of success in taming this welfare monster, which would enhance Governor Reagan's chances for the presidency. Some people have said that he was being groomed for the presidency since 1968. Do you think that was a factor in the welfare reform package?

Williams: I didn't. It might be. Reagan went down to Miami. I was down there with him and he was making a run--a very, very late run--at the nomination. But after Nixon got elected, Reagan was very supportive of him, I believe, and I couldn't think he would be taking Nixon on at the end of his first term as president. He was going to run for re-election. So at that time Reagan had become acquainted with Agnew, and they were pretty close and they talked about welfare problems in their mutual states. One time Agnew

Williams: came out to California. That was after the election and we had a briefing set up so that he would understand how we did it in California. I didn't read anything that way, that Nixon would be resisting Reagan because he might be a threat in the future, and when we went to see Nixon down in San Clemente--

Shearer: Excuse me, this was when?

Williams: This was in about '69 and I think it was summer. Nixon was very friendly and very receptive. He and the governor had a nice meeting. They talked about various federal programs and how they would affect California. I didn't perceive any political overtones. But there may be people closer to the scene than I was that could read other things into it.

Shearer: There was a point during the welfare negotiations at which William Bagley was discovered on the telephone, according to the reports I've read, to John Veneman in HEW. I think it was discovered actually by the governor and he was very, very upset, as though there was a secret Washington connection. I wondered why that would be so upsetting.

Williams: I wouldn't know unless he thought that the family assistance program wasn't strong enough or would cost California too much and Bagley was supporting a different viewpoint.

Lieutenant Governors Finch and Reinecke

Shearer: Could you give me your views and recollections on the two lieutenant governors, Robert Finch and Ed Reinecke?

Williams: I knew Bob Finch much better than I knew Ed Reinecke. Bob I met during the campaign. He was running for lieutenant governor and he had some opposition, so we attended many of the same Republican functions on the campaign trail in the primaries. In the general election we campaigned together and got pretty well acquainted. As a matter of fact, I went to talk to Bob Finch before I started to run for attorney general and I was trying to size up my potential opposition. He told me, no, he wasn't going to run for attorney general and he, as a matter of fact, recommended several staff people who could help me in my campaign. So Carol Hillhouse was one and in any event--

Shearer: Carol, that's a woman?

Williams: Yes, and she knew a lot of people on his staff and it helped us to get a person who was going to be around. So then after we both won in our primary elections, we campaigned together throughout the

Williams: state. Then when we moved to Sacramento, why, he moved to the same street just two doors down. So we were neighbors, and our kids got to know each other and we got to know Bob and Carol very well. As a matter of fact, I saw him on New Year's Eve this year in Pasadena. So I got to know Bob very well. He was a very nice guy, a very sincere guy. He knew politics and he knew the workings of politics. He knew the pressures and the tendencies and the movements and that sort of thing and he was very much alert to that approach to things.

Shearer: What caused him to shift to the federal level?

Williams: I have a theory, but it's only a theory. Do you want my theory?

Shearer: Oh, yes!

Williams: Okay. He wanted to be a United States Senator and I believe that he thought that George Murphy would not run for reelection and so his strategy, as far as I could see, was to go back to Washington and be head of HEW, which would provide a lot of ink, a lot of press, and then leave and come back with that big press and run for senator. Then he could say he had the Washington experience and all that sort of thing. Being with the governor probably was not as exciting as being in Washington with the president. He thought a lot about it. He just chewed and chewed on whether to go or not. I mean every week there would be a story, "Is Bob Finch going to go or not go," and so forth. So he did go and at one time they thought that I was going to go back and run the shop and he could do his stuff but it didn't work out.

So then what happened was that George Murphy decided to run for reelection. He had had an operation for throat cancer and he couldn't speak very well, but there was a poll that came out in January or February that said he could beat any of his opponents and so he decided to run. Bob, being the good Republican he is, decided not to take him on and take it away from him. So then Bob stayed at HEW and had serious difficulties running that huge mass of programs because he had always agonized over his decisions. He couldn't make quick decisions and move on to the next decision, and things just built up. Decisions weren't being made and the department was having all sorts of problems, so the president took him over to the White House and put Elliott Richardson in as HEW secretary.

But Bob would have made a great senator. He is not a hot administrator because he really wants to think all the problems through until all of the evidence is in--100 percent is in. He wants to think about it a long time, and you can't do it in that kind of a vast operating agency.

Williams: Ed Reinecke I met when I was first going to run for attorney general and went back to Washington, and met all of the Republican congressmen. He applied for the job of lieutenant governor, as I did when it opened.

Shearer: This is the first time around?

Williams: After Bob Finch left, then the governor was going to appoint someone to be lieutenant governor. I applied for the job, having achieved recognition statewide, having run the statewide campaign. Ed Reinecke hired a PR guy to run his campaign to become lieutenant governor and he got a lot of young people to write letters in saying, "We think Ed Reinecke would be great for lieutenant governor." He appealed to the young people and he was a nice looking young guy. So anyhow, he became lieutenant governor. We were always friends. I left about a year after he had been lieutenant governor and then he got into trouble with Watergate sort of stuff and he had a problem there. He is a very nice guy, an engineer. I gave a speech for him. One time he was going to come and speak at a fund raiser for me, so we're good friends. Being lieutenant governor is not a very challenging job and both Bob Finch and Ed Reinecke hoped to go on to better things.

Shearer: I notice that the governor seemed to recognize that in shifting to the lieutenant governor more responsibilities for management services and government relations, environment, and Congress.

Williams: That's right, he made Bob chairman of something in the job training field (a bunch of citizens were trying to develop job training programs for the underprivileged) and gave him responsibilities, invited him to come to the cabinet and sit with the cabinet, which he did occasionally but not on a regular basis. It's sort of like being vice-president--the executive gives him something to do and sort of gives him an established reputation. Of course the vice-president would also be a help because they are talented people. Then the people around the president, around the governor, don't want to have the lieutenant governor or the vice-president become too popular because they may view him as a threat.

Shearer: A threat to the staff or a threat to the main man?

Williams: To the president, yes. For instance, I have been reading just the other day about George Bush's problems because people--the conservatives--don't think he is conservative enough and they think he is not really with Reagan and Reagan has given him responsibilities. It's a difficult position to be in, the number-two guy, with all of the horse power that you have. That's why I think Ford didn't ask Reagan to be his vice-president because he couldn't stand that much horse power in the number two spot, and that's why he didn't get re-elected.

Thoughts on Caspar Weinberger

Shearer: What about Cap Weinberger?

Williams: A super, super guy.

Shearer: You and he worked on reorganizing--

Williams: We worked together on a first plan to reorganize state government, just moving boxes around basically, and we set up the cabinet with three secretaries. We were going to call them assistant governors but that didn't go with Bob Finch, so we changed the title to secretary. I had known Cap briefly when he was in the assembly and then I knew him when he was on the Little Hoover Commission. When I ran for attorney general the first time, he was my campaign chairman with Pete McCloskey of San Mateo County. He set up meetings for me in San Francisco to meet with top Republicans--a tremendous supporter and a tremendous guy. The southern Republicans were suspicious of this liberal San Francisco Republican. He had done a great job in the assembly. He ran for attorney general and didn't make it after the assembly. So that's why he didn't come into the administration at first, the Reagan administration. So they brought his brother, Pete, aboard and then after Gordon Smith left as director of Finance, Cap came aboard on his own and did a great job. Then he left to go back with the Nixon administration and did a fine job there and now he is doing a terrific job for the president right now, Reagan--a bright, bright, nice guy. Everytime I called him, I could get a call back within an hour no matter how busy he was. When I was trying to become a judge he was a great supporter and he and Ed Meese were the ones who really kept the pressure on 'so it could happen.

Shearer: One of the people I have not interviewed, but whose interviews I edited, Roger Kent, describes Cap Weinberger as being an honorable man.

Williams: Absolutely.

Shearer: Do you feel that he is as liberal? This is twenty years ago when he and Roger were going at each other as party representatives, but would you still describe him as a liberal Republican?

Williams: I have always said you can't put one tag on a person for all of their attitudes on all different types of issues. You have to go on an issue-by-issue basis--liberal on this and conservative on this. I think he is a terrific public servant. He would have been a great appointment to the Supreme Court of California. He will be or would be a great appointment to the Supreme Court of the United States if he wanted it. I think he is a bright, bright guy and I wouldn't say he was a liberal or a bleeding heart type. He wants to

Williams: get problems solved, he doesn't want to spend a lot of money needlessly. There may be differences of opinion as to how things are accomplished, but I wouldn't categorize him as a liberal. He was very big in reforming the Alcoholic Beverage Control (ABC), I guess, when he was an assemblyman and getting what's-his-name, the lobbyist--

Shearer: Artie Samish?

Williams: Artie Samish of the liquor lobby. A tremendous job there. So I couldn't categorize him as a liberal. I just think of him as a very dedicated, smart, hard working person and a tremendous director of Finance. I mean he was tough! He was tough on dollars there.

Accomplishments of the Human Relations Agency

Shearer: I would like to ask you about some of the accomplishments in your administration of the Human Relations Agency, which you mentioned in the campaign material that you gave me last week.

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Williams: Okay, do you want me to start at the top or are you going to ask questions?

Shearer: That's fine. I just wanted to mention unless you are going to state it, that the time that the accomplishments that we are talking about were cited, and this is as they appear in The Republican, * November 1969, the agency was employing 48,000 people and had a total budget of \$3.5 billion.

Williams: Yes, that was of about a \$5 billion state budget.

Shearer: Is that more than it was in 1966 when you took over?

Williams: Yes, I know the governor was very unhappy when we went over five billion, and I think that was the second year. Now, I guess, it's fifty billion or more. So it was well over half the state budget.

Shearer: Was the budget of the agency in November of '69 more than what it had been in '66 or '67 when you took over?

*Campaign publication.

Williams: I am not positive. There are certain inflation factors in there and of course the agency had changed a little bit. I think it had unloaded two activities, air pollution control and veterans affairs, and so the actual budget wouldn't necessarily reflect either increase or decrease in efficiency.

Shearer: I see. I mention it because I notice that in the first part of The Republican article is says that the 48,000 people employed in November of '69 are fewer than there were at the beginning of your administration.

Williams: We had a freeze on employment and we were trying to reduce everybody throughout the state government. So that did effect some reductions in staffing and, as I say, we did transfer some departments, some units, to other agencies and it made our agency look good because there were fewer people, but that doesn't necessarily mean less state government!

Shearer: And yet you included under the Human Relations Agency additional units. The Department of Corrections and the Youth Authority weren't there before.

Williams: Yes. When the agency was created there were two separate agencies. First of all, there was Health and Welfare Agency and then there was Youth and Adult Corrections Agency. Then for the first year or so, they were administered separately. Then they were put together in the Human Relations Agency and then we also had, as I say, Employment, Industrial Relations, and a few others. So it is hard to compare numbers. You have to compare programs to see whether or not we were increasing personnel or reducing personnel. But we did have a program going to freeze--to not rehire if you could help it--as part of Reagan's "cut, squeeze and trim" program. We made reports monthly on the businessmen's task force recommendations and we would have to report, and we did show substantial reductions in cost and personnel.

Shearer: The businessmen's task force continued throughout the administration?

Williams: I think that at about the time I left, they had pretty well wound down the implementation of the recommendations, which were approved. They made many recommendations and then they took them to the cabinet level, and some were approved and some were not approved. Then they got a program of implementation of those which were approved and they had to make regular reports on that for a year or so, and they were directed at "cut, squeeze, and trim."

Shearer: All right, if you would like to begin, I think I started with narcotics. It doesn't have a heading. It's just before corrections.

Williams: We had some programs on narcotic treatment and tried to work through the public agencies to alert the people to the dangers of narcotics, particularly among the youth, and I went around the state on several occasions and sat on panels and discussed it. There was one very touching scene down in Fresno, I think it was, where a very cute little girl sat behind a screen and said she had been a narcotic addict. She finally shook it, got rid of it. She told of all of the horrors of being a narcotic addict. So we said, "Why did you quit?" She said, "I decided I would rather have pretty babies than pretty dreams." So we were making an effort to point up the tremendous problems of narcotic addiction among young people and try to have programs and education to attack it. But I can't say that it was necessarily 100 percent successful, but we did work hard at it.

Shearer: I guess it's one of the most frustrating and discouraging problems to deal with.

Williams: Yes.

Shearer: In I think it's the first column where it's mentioned that only 18 percent of the narcotics offenders who were released after kicking the habit stayed clean for three years.

Williams: Yes, there is a special prison, a special facility down in southern California for that, and narcotic offenders would be put there for special treatment. Then sometimes they would be released sooner than if they were sent to a regular prison. It's operated under the narcotics control agency with one of my boards and commissions. I can't think of it right now. There was a doctor in charge of it and I was on the board with him.

Shearer: Is 18 percent--

Williams: High.

Shearer: That's high?

Williams: Yes, oh yes.

Shearer: It's staggering. Then more than 80 percent returned to prison.

Williams: Yes, and they couldn't get in the program if the crime was with a certain degree of violence, then they couldn't come in the program.

Shearer: I see, this was not simply narcotics abuse. These were people who--

Williams: Some had committed crimes.

Shearer: And were also users.

Williams: Yes, right. The Narcotic Rehabilitation Agency it was called.

Shearer: The UC study cited here says that of 2,500 addicts released, only ten percent returned with new felony crimes. Did this mean non-narcotic crimes?

Williams: They were new felonies. They may be narcotic or non-narcotic, it makes no difference. They just did not get involved in--only ten percent got involved in a new felony in the state system.

Shearer: I guess I would assume that it would mean non-narcotic if 80 percent returned because they were on drugs.

Williams: Yes, but some of them came back because they had to have a standard inspection and to have urinalysis and so forth. They went back on drugs, even though it was not crime related, they would come back to the rehabilitation program. They couldn't break the drug habit. This was indicated in this report, that they didn't go back to-- didn't get in a felony for a that period of time.

Shearer: I think the language here said that the number of young people involved in narcotics use was accelerating all of the time.

Williams: In the schools, right.

Shearer: The percentage of adults and juveniles arrested for hard narcotics use declined over the years of your administration. Why do you think this was the case?

Williams: I wouldn't know. These are statistics reported in this report. It could be that the offense of drug use was not obtaining the attention of the law enforcement as much as other types of crimes. So there may have been less attention paid to it. There may have been less public concern about it at the time. I don't know, but the arrest rate depends frequently on what the local police authorities are pushing and if they are really after it, what comes to their attention, and what they think requires the attention of most of the resources. It's hard to explain why, but it was a statistic that sounded good to the person who put this piece together.

Shearer: I see, but you as the administrator know that there are several explanations.

Williams: Oh, sure, there are all sorts of factors involved.

Shearer: Could it be that maybe more young people are smoking marijuana instead?

Williams: Maybe.

Shearer: Rather than opting for the harder drugs?

Williams: There is a progression anyhow.

Shearer: The next heading is corrections. Maybe you would like to elaborate on that?

Williams: We had a program on parole. We had, we thought, a lower rate of recidivism because we had an intensified program where we would classify the degree of seriousness of the offense. So the parole officers would not have equal numerical case loads. They were weighted case loads. But one case load might involve thirty people who were say check writers and another case load might involve four people who were ex-murderers. This was where the officers would give more attention to the hard, difficult cases. Parole officers also cooperated with the training programs and would make sure the people on parole got job training and then perhaps a job. They sometimes would pick them up and make sure they got to the job and made the transition. So it was a very active and aggressive program on parole supervision.

We also tried, and I think we were successful in increasing the amount of money that the prisoner got when he left prison so he would have a little more independence. I don't know if that is mentioned here but I recall that we had that very much in mind. We also had an enlarged work furlough type of program as a transition to getting out. A person could get a job while still in prison and go work in the community and then go back to prison at night. Then they would earn enough money to pay the state for their room and board for staying at, say, San Quentin. Then they would have a transition. Rather than going straight from prison to free life, they would make a transition through this work furlough. We had a lot of businesses and groups that would help to place these people in jobs. I remember one experience where a prisoner was working in a gas station and he stole money and split, and the other workers in the program gathered up money and paid off the employer so that he wouldn't dump the program. But it was a way of transition.

Then the family visitation program, which we mentioned in the last meeting, also was helpful to keep the people in prison more aware of what free life was like and be more accustomed to free life situations so they wouldn't become that far removed from the realities of life on the outside.

Shearer: Is that work-furlough program the two-year old program referred to in The Republican to bridge the gap between confinement and community?

Williams: Yes, I believe so.

Shearer: You certainly don't need to feel confined to discuss merely what is mentioned here.

Williams: I am trying to recall it because this has been a long time ago. I know in the area of rehabilitation when I went in, ours was one of the worst records in the nation on rehabilitation. We became the second or third nationally rated in our rehabilitation of handicapped, getting them jobs and that sort of thing. It was a really dramatic increase. We had innovative ways of getting more federal money into the program and we were able to staff up, get more people involved in it and reach out to more people who needed help, so that it was a good program, actually as well as statistically.

Shearer: What does it actually mean, the terms disabled? Who were the people who were to be rehabilitated, for example? What kind of disabilities were involved?

Williams: We had people in wheelchairs or who had other physical disabilities. We could help them get the prosthetic devices and get special training. The rehabilitation workers would work with them in therapy and so forth to get them adjusted to being out in the community and they would work with the employers to encourage them to employ the handicapped. That sort of thing was very helpful. We had rehabilitation programs in the homes for the mentally retarded. We'd get contracts, for example, from United Airlines to take nuts and bolts from the overhauled engines down to the homes for the mentally retarded and help these people work and then develop a job skill and then could actually get out in the community and start holding jobs. So that was part of the rehabilitation work--we also designed and built special ramps for buildings and special johns for people in wheelchairs. We found out it took only about one percent of the cost of a new building to make it usable by the handicapped. So we encouraged it and then I think we required it in public buildings.

Shearer: In public buildings?

Williams: Yes, buildings which had access to the public, not just government buildings. So it made life more accessible. A person in a wheelchair has to decide when he is going to a restuarant whether he can get in the door or not. So we were trying to encourage making those things available, accessible.

Shearer: How did you go about encouraging or requiring these things?

Williams: The department handled that. They worked with the various counties and cities about encouraging first and then requiring it when they issued building permits and encouraging modification of construction. For example, a lot of the streets we see have had the curb broken down so that people can move across in wheelchairs and that was, I think, a result of that program of public education and persuasion.

Williams: We have more handicapped people now than we used to because formerly a lot of people who were injured in war or accidents died. Now more survive with the improvements in medicine we have and we'll continue to have an increased number of our population who are handicapped in one way or another. It's important that we recognize that. Then it was important to have these buildings developed so that handicapped could have access to them.

Shearer: It was productive in the sense that this writer uses in this piece, it does mean employed?

Williams: Yes, jobs.

Shearer: Employed and more or less living an independent life.

Williams: Right.

Shearer: Why do you think your approach succeeded and got 10,000 more rehabilitated than was done in the last year of the previous administration?

Williams: Ten thousand more than the last full fiscal year of the previous administration. It could have been several factors. I know the subsequent administration concentrated very heavily on the severely handicapped on which you can spend a lot of resources and get little results in numbers. You can spend less on the less severely handicapped and get more results. So it might be that the prior administration had been concentrating on the severely handicapped. Another reason was that we were able to bring in more federal money by matching devices and we were working in the prisons and in mental hospitals and hospitals for the retarded and the prior administration did not. [interruption by secretary]

Shearer: You got federal matching grants.

Williams: Yes.

Shearer: How was that accomplished?

Williams: We could see that we could take some of the corrections money and use that to match and then we would draw in a lot of money and use it in corrections and use it for rehabilitation there for the physically handicapped and emotionally handicapped who were in prison. We could do the same, taking some money from the hospitals for the retarded budget there and use that to match. What was the other thing?

Shearer: This was how you were able to dovetail--

Williams: Yes, attract more federal money.

Shearer: Why do you think the previous administration did not go into--you said not into prisons?

Williams: I don't know. Maybe it was just a new idea that someone had.

Shearer: What about the WIN program for employing welfare recipients?

Williams: My recollection is of a program in the Department of Employment to develop work training programs for the welfare recipients in connection with industry and to get people jobs and off welfare. It was, I think, conceived here and used as an experimental program. It was really directed at getting the able-bodied off of welfare and on the job. We used to get reports of how many were moved off of welfare. I don't think that they kept statistics on how many came back on welfare. That's always an important thing to do because a person can go off to work on a seasonal basis and claim credit and then come back on welfare a little while later. But it was really a constant effort to say, "If you want to get any welfare you've got to work for it."

Shearer: There was a report done by the Assembly Committee on Welfare staff, which reported in the California Journal. It was cited in the issue of January 1972, but the report was done earlier. It describes the program as a federal-state employment program in which the federal government contributed eighty percent and the state paid twenty percent. Then there is a slightly different breakdown of the state's percentages and local communities. It was the aim, according to the Department of Health, Education, and Welfare, to get a half million people off welfare in 1972. But the reports from the comptroller general to Congress in 1971 said that the program was failing in its job of preparing people for work and finding new jobs. There were several other studies done, one by the California Taxpayers Association, another by the legislative analyst, and the Wright Institute, which seemed to concur in that assessment. They all cited as difficulties the lack of adequate and reliable data or information management for the program and being unable to assess its true accomplishments. But the main point that the program's critics cited on the other hand was that it was very difficult to get people into jobs if there aren't any jobs to be had. You can train and train and train, but if unemployment is on the rise, the program won't succeed.

Williams: That's right. I mentioned that tax incentives could be used to have people doing the lawn mowing with hand lawn mowers rather than mechanized lawn mowers just to keep more people working, and then industry would get their break by getting a two-dollar tax write-off for every dollar they spend. But there is always trouble getting people training and getting their hopes up and then there's no job for them. Even leaf raking would be okay, but ultimately the leaf raking wasn't sufficiently exciting but certainly it was working rather than not working.

Shearer: One of the criticisms of the program had to do with the estimates of the number of people placed in jobs and the estimated savings to the welfare program.

Williams: By the state or by the federal program?

Shearer: The Department of Human Resources report said that WIN placed 6,000 in April of '71, so that WIN placed 6,287 in jobs, with a \$40 million savings in the first year. Then later I guess the same sources said in October that it was hard to assess the savings and projected that \$4.9 to \$13 million might be more like what they would expect.

Williams: It's like trying to project the budget these days--the deficit, I mean!

Shearer: I guess projecting possible deficits and then possible savings has always been a little bit iffy.

Williams: Yes, it depends on how they keep their records. When a person gets off welfare, they might list him as being off of welfare for good. But if he comes back, and their projections have not anticipated a certain percentage return to welfare their figures can give a false impression. April seemed like a pretty good month to get jobs in agriculture and other areas, so there might have been a normal removal from welfare to jobs that the program was trying to claim credit for. So that could have been part of the problem, too.

Shearer: That's right, you have to pick up the seasonal--

Williams: The seasonal change. Then also the program planners may have anticipated that once the trainees get the job, they're off welfare forever. However, they may be fired in six weeks and go back on again. But actually the main thing is it was a real effort by the administration to solve a current problem by getting jobs and getting job training and getting people on their own for their sake as well as for the tax savings.

Shearer: Oh, here is another instance of that. I was going to ask you about the Medi-Cal deficit. It was reported as among the accomplishments, as the reversal of \$160 million deficit into a \$60 million surplus.

Williams: A projected deficit, right. We had to almost close Medi-Cal down at one time and we had to really reduce benefits and limit it to emergency type benefits for awhile because we were about to run out of money.

Shearer: I remember this occurred in the very beginning when Governor Reagan first took office.

Williams: Yes, right.

Shearer: And at that point that it was reported as an \$80 million possible deficit and then by the end of the year, the money was found.

Williams: It was saved.

Shearer: Or saved, recovered in some fashion. I am wondering if the \$160 million cited here is referring to the same incident.

Williams: It probably is. This was printed in November of '69, so this is probably talking about '68. We had to really tighten up on the administration and for awhile we denied it except for emergency surgery and hospitalization and tried to reduce the number of days in the hospital because people were staying a week and they didn't need to stay a week. We held the line on nursing home costs, which were pretty severe, and then we set up an audit program to audit the nursing homes. We tried to improve the claims procedures and to eliminate and reduce double billing and we hired a bunch of fraud investigators to go out and start checking fraud and we started this program. We inherited it and we came into office when the program had been adopted by the legislature only a few months before in the Brown administration, and they never had set up any kind of guidelines. So the program was going and nobody was monitoring it. So any kind of regulation was bound to have some benefits, and we did get real tough. Then we reinstated or re-installed--re-authorized--certain procedures as we got control of things. We had a program of full medical assistance. But we had to grab it and squeeze it awfully fast. Otherwise it would just break us.

Then we met with the doctors on how we could handle their billing and we had peer review groups to study whether there was over medication, over servicing patients. I tried to get someone to work on a level of payment, but they didn't want to have us telling them what to charge, so they'd bill what they wanted to and then they'd get paid less. We had to hire fiscal intermediaries to start doing that program. We encouraged the doctors to set up peer review committees and it was a tremendous, tremendous problem.

Shearer: This was in '67 right after you came on board.

Williams: Yes, I came aboard in '67, but both '67 and '68 were very difficult.

Shearer: Was there this one big deficit that you inherited for \$80 million that was reported earlier and then another one of \$160 million a year later?

Williams: It was difficult to project what we would require and so our first budget was basically a worked over Brown budget. We came up with a budget and after a few months of expenditures we decided we'd run out of money in about six or eight months. So we had to really grab the program and squeeze it, and we had these meetings. The first

Williams: meeting I attended, I mentioned in the last session, they were talking about the Blues and I thought they were talking about some Frenchman! They meant the Blue Cross, the Blue Shield, how we get them involved. It was just a program that had been adopted with no controls on it and we had to impose the controls, which we did, and it's still a very expensive program. We still have problems with it.

Shearer: But how could there have been such a fluctuation of an \$80 million deficit and then a \$60 million surplus and then a \$160 million deficit?

Williams: Yes, it could have been that wild because at the beginning of the year you have to estimate what the use of the program is going to be, and that's the second year of the program so it's a never-never land of trying to make an estimate. It has to be kind of soft, and then you look at your expenditures and if you have absolutely no controls on the program, costs go crazy. So when you put controls on it, you reduce it dramatically and then it's hard in that crazy year to project the next year. So we had a lot of difficulties with the legislature on eliminating certain programs and whatnot, but it will survive!

Shearer: Are there any other accomplishments that you would like to discuss?

Williams: I think the mental health program was misunderstood. There is a program that Dr. Lowry had developed initially under the Brown administration, the concept of having treatment in the community rather than just at the mental hospitals.

##

Shearer: Maybe you better start with "this new treatment."

Williams: The new treatment was medication that could better control the emotions of the people who were in mental hospitals. Most of them were not dangerous; they were just senile. So the idea was to have them transferred to hospitals in the community closer to their families and their support people--friends--The state would pay ninety percent of the cost, whether they were in the state hospitals or in the communities. But the state hospital was generally very remote from population centers and so it was difficult for people to go visit their relatives in the hospitals. Bringing them home or keeping them at home would be the best thing, as long as they weren't dangerous to themselves or others.

So we started this program of reducing the state hospital population. It went down dramatically from a level of 30,000 down to ten or eleven thousand in about four years. That's just a rough estimate. It was dramatic. We very carefully held staff reductions so they did not go down as fast, so we kept the same ratio or even improved ratio of staff to patient. But the public didn't understand

Williams: that or wouldn't understand that, and so there was tremendous controversy over this program. But we stuck by it and I think that people now approve the concept of encouraging community hospitals to have psychiatric wings so they can handle a person in a period of crisis and then keep them in the community rather than send them off to a strange environment when he least needs that kind of disruption. So there were some problems with the program even today that some of the local facilities, the local nursing homes, or the local homes for these people were not properly staffed or that some of the patients who walked around the streets looked kind of funny and that upset the citizenry because they were eccentric. But Dr. Lowry said that there's no sense in locking someone up because he's eccentric. In a free society, you ought to be able to be eccentric if you want to and not be locked up for it.

But generally the concept is good, it's only the implementation that is not so good. But Reagan took a lot of heat for the program although the people who understood it really applauded it. We still had one of the best mental health programs of any state in the nation.

Shearer: Did the new drug treatments, were they useful because they allowed the population that was most dangerous or least treatable by other methods to remain in state hospitals or did it allow sort of the general run of people who might have crisis or might otherwise need incarceration be treated with drugs in a local setting, drugs in lieu of locked doors.

Williams: Drugs in lieu of locked doors. Yes, they didn't have locked doors up at Napa because when they had this treatment going, the people were sensible, normal; they could take care of themselves. But some people would stop taking the medication and then they would start having problems again. There weren't many situations, as I recall, of dangerous people getting in these programs. It was just the overly eccentric. Most of them are old and sort of senile and they could be taken care of in the community where it was better for them. So hospital populations did go down and the staff shifted to local communities or went elsewhere. But we were very careful to keep our staff ratio within the prescribed limits.

Shearer: I see more here.

Williams: Human Resources Development, was a combination of the Department of Employment and most of the EEOC-type* of training programs. We had the service centers. Brown first was going to put in a bunch of

*Equal Employment Opportunity Commission.

Williams: service centers. We kind of inherited them and didn't open some of those originally planned. There was a big ruckus over that. We did open some that were underway. The idea was to have a concentration of the services available to the poor people right in the community in which they lived.

Shearer: These are the service centers or the economic opportunity centers?

Williams: They were called service centers. In the service centers, there were supposed to be welfare workers and EEOC specialists, job training specialists, and people who could work up the eligibility for Medi-Cal. All this so that a person could go to one place in the community and always have services available. I thought that it was kind of an oversell. We were out there trying to get clients! But people needed to go to one place where all these services were available. In Santa Monica there was one that we were not going to open. So concerned citizens came in--this was the first couple of weeks of the administration--and said, "If this isn't opened, Santa Monica is going to be burned." I said, "What?" I could feel the heat start up my neck and the hair standing on end. They said, "We can't control it; that's the sentiment down there. If this doesn't go, then it's going to be burned." I said, "The state is not going to open it, but I'll work with the city and we can probably station some people in it"--the place had already been rented but had not been occupied--"and maybe we could work on something so that there would be services there, but the state is not going to knuckle under to any threats." They said, "This is no threat, this is just a report." I said, "As far as I am concerned, the community is threatening me and I won't take it."

But I went down and talked to Mayor Yorty, and the city picked up the lease and we put some people there. So it worked out and we avoided that problem. But, God, I thought, I'd hate to be on the job two weeks and have Santa Monica burned because of something we did or didn't do. Some centers weren't opened at all and some opened later, on a more carefully studied basis.

The human resources development program was a combination of the employment and the training so they could work together, and then we had the EEOC programs with them, too.

Shearer: Who were the representatives who reported that "the city would be burned"?

Williams: The publisher of the Santa Monica paper and a leading black minister. They weren't threatening me. They were concerned; they weren't threatening. But I could see that the community attitude was a threat, and I felt that if we started surrendering to threats of violence or intimations of violence, we would never be able to run an administration at all. The records of what happened really can speak better

Williams: than I can from this distant memory. I can just say that we worked hard, we tried to have innovative things, we tried to improve services and reduce costs and we got some programs--for instance, hemodialysis, moving quite rapidly. It started as an experimental program. We never said we were going to have a big program in hemodialysis, but then we had to start making decisions. Were we going to give it to this person and keep him alive and deny it to someone else? There was a lot of public pressure to expand it, but we weren't ready to because it hadn't been proven. We were experimenting with it to find out how the program best functioned before we enlarged it. We took a lot of heat for not going fast in that area, but we ultimately did get a great program going.

I think I mentioned before the programs for the mentally retarded. Every year the program was increased tremendously because of the governor's personal feeling of the importance of the program. Everybody was trying to improve government operations and reduce costs, which is a very challenging assignment.

Shearer: One thing mentioned here under mental hygiene category is that "hired nurses would be in effect by the end of the year." What actually does that mean? Does that mean they will be on the books or in practice or what?

Williams: You read it here?

Shearer: Yes, I think it's under mental hygiene. Here it is. [shows source]

Williams: Oh, they would be the national group that goes out and looks at hospitals and probably staffing standards and maybe specialist standards. But we had been operating under the 1952 standards and then the 1968 standards came into effect. We set up a program to achieve the 1968 standards within a certain period of time, and we achieved them, I think. There are recommended standards you had to meet in order to be certified.

Shearer: These are to deal with construction and staffing?

Williams: Staffing, mostly staffing--the types of personnel you have on board. Maybe it's a new specialty that has been developed in pathology and you have to have those people on board. Then there is the hospital inspection on a regular basis to see if the hospitals are meeting their standards. These new standards would be more expensive. But with the reduction in population, I think we were achieving less expense at this point.

Shearer: Also under that heading was some mention of the mentally retarded. It said that the waiting list for the mentally retarded--that can't be correct--was reduced by sixty percent. It must be for treatments.

Williams: Waiting lists for hospitalization has been cut by sixty percent.

Shearer: How was that achieved?

Williams: [reading]"Overcrowding in the hospitals for the retarded has been reduced. Over nine hundred employees have been added to the treatment staff while hospital population has been cut by one thousand patients, bringing the ratio of treatment staff to patients to the best level in history."

Shearer: What level would that be?

Williams: I know that as space was made available in the hospitals for mentally ill, we were able to convert some of those programs for the mentally ill to programs for the retarded. Some of the former inpatients were then seen on an outpatient basis.

There was a program down in Patton Hospital in southern California I think it was where some patients were believed to be beyond any hope of rehabilitation. But staff worked very hard with them and obtained some contracts for doing unskilled work...such as sorting nuts and bolts by size...and raised enough money so that the entire ward took an overnight trip to San Diego and stayed at a motel and swam in the pool, went to Marine World, and had a good time. Sonoma State Hospital I visited with my wife. There was one ward they called the Lux ward. It was for women who were so lacking in mental capacity that it couldn't be measured. They would go out in the sun and would take their clothes off and throw them over the fence and just lie there sunning themselves. One time I said "like lions," and somebody thought I was insulting the people by referring to them as animals, but I didn't intend an insult. The staff worked with these people and they got some of them out of the ward so they could hold jobs and be on their own. I don't know how they did it, but they did it.

Shearer: Was this accomplished because the staffing ratio was improved significantly?

Williams: I think staffing ratios, I think new techniques that had been developed, new emphasis. There were psych techs, they called them, who worked with the retarded and who were particularly dedicated people. They would work with a person say for six months to teach him to tie his shoes. When the person learns to tie his own shoes, the psych tech thinks it's the greatest reward. It's just that they are special kind of people and they work very hard, and I think all of these techniques plus staffing and medication did make dramatic improvements.

Shearer: You mentioned several times seeing these facilities first hand. Was that true of your predecessor?

V THOUGHTS ON CORRECTIONS

Shearer: Did you find any of your ideas change after seeing the things that you saw in the prisons and in the hospitals?

Williams: I didn't know much about it when I started. I was a lawyer in county government and I had been inside a county jail, but I never had been inside a state prison. I had never been in a mental hospital before. Basically it was just learning a lot of things and getting first-hand impressions of the real thing and I had no impressions to conflict with them. But I did come to the conclusion there--and it's followed me onto the bench--that a prison is the worst place in the world to put a human being. It's an unnatural setting. It causes a lot of damage to the individual. So I sentence people. I sentence them to prison frequently but not for long periods of time. I think a little prison at the time is sometimes a lot better than probation to shake a person up and let him smell the bars so to speak. But if you keep him in there too long, he gets used to it and he doesn't see what he saw when he first came in. The shock is gone. In San Quentin you go down in the "hole" there and it's just absolutely unbelievable. But sometimes people work into that situation so slowly that it doesn't look shocking to them.

Shearer: I wonder what effect it has on the guards and the administrative personnel?

Williams: They get used to it also, I think. So I came to the conclusion that prison can be very, very damaging. There are some people that should never be let out and there are some people there that don't belong there, and it is hard to tell which are which. But we had a very aggressive and progressive program in corrections and we were able to work hard to keep the people on probation or parole to stay out. Then we had this parole program and we really worked at it. We did for awhile reduce our rate of recidivism statistically and I believe that it was true.

Williams: I don't think my predecessor had as many facilities to look at as I did because I had all of the hospitals and all of the prisons. I think that most administrators wanted to go out on the scene a) to see what's going on, b) to show an interest, and c) to be seen by the people you are working for so they know that you're interested. You also get a feel for it so when you're testifying before the assembly on some matter you can say, "I've been there and I've seen what's going on."

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RONALD REAGAN GUBERNATORIAL ERA. 1966-1974

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Oral History Program, Powell Library Building, University of California, Los Angeles, California, 90024.

Regional Oral History Office, 486 The Bancroft Library, University of California, Berkeley, California, 94720.

JULIE GORDON SHEARER

B.A., Stanford University, 1962, with major in political science.

Reporter and Feature Editor, Mill Valley Record (Ca.) 1962-1963.

Editor and Feature Writer, University of California, Berkeley, for Agricultural Extension (1963-1966) and Center for Research and Development in Higher Education (1967-1976).

Consultant, University of California School of Criminology, evaluating North Richmond Newspaper Community Action Project, 1965.

Interviewer-Editor for Regional Oral History Office, 1978 to the present, concentrating on California political history.

RESUME
(Detailed)

HONORABLE SPENCER WILLIAMS
Judge, United States District Court
Northern District of California

Address: Federal Building - Suite 17053
450 Golden Gate Avenue
San Francisco, California 94102
Telephone: 556-4971

Born: February 24, 1922, Reading Massachusetts

Married: To the former KATHRYN BRAMLAGE of Santa Barbara, California. Children: CAROL, age 33, PETER, age 31, SPENCER, age 29, CLARK, age 27, JANICE, age 24, DIANE, age 21.

Enlisted: U.S. Naval Reserve, March 7, 1942. Active duty commenced March 1943. Commissioned Ensign USNR, August 20, 1943. Served in North, Central, and South Pacific theaters aboard Heavy Cruiser U.S.S. Chester CA27. Released to inactive duty January 3, 1946. Returned to active duty October 24, 1950. Served in office of Navy Judge Advocate General, Pentagon. Released to inactive duty June 30, 1952. Rank LCDR. (ret.). Classification 1625 (Law Specialist). Serial No. 268976.

Attended: Port Washington Public Schools, 1927-1938; New Hampton Prep School, 1938-1939; UCLA, 1939 through 1943; graduated 1943 AB degree; Hastings College of Law, San Francisco, California, January through September 1946; transferred to the University of California School of Jurisprudence (Boalt Hall), Berkeley, September 1946; Boalt Hall, September 1946 through June 1948; graduated June 1948 LLB (J.D.) degree.

Admitted: Supreme Court of the United States, March 1952; Supreme Court of the State of California, January 1949; United States Court of Appeals, Ninth Circuit, United States District Court, Northern District of California, June 1949; United States District Court, Eastern District of California, February 1971; United States Court of Military Appeals, September 1951.

Church: Episcopalian. (Senior Warden St. Phillips, San Jose, 1962-63).

Former State Service: Judge Williams was a member of Governor Ronald Reagan's cabinet from 1966 to 1970 serving as Administrator of the Health and Welfare Agency, Administrator of the Youth and Adult Corrections Agency, and as Secretary of the Human Relations Agency. He was a candidate for State Assembly (1954) and for the office of the State Attorney General (1966 and 1970).

As Secretary of the Human Relations Agency of the State of California, he was responsible for administration of two State agencies, namely, Health and Welfare and Youth and Adult Corrections and their subsequent consolidation in to the Human

Relations Agency. This agency consisted of departments of Social Welfare, Public Health, Health Care Services, Rehabilitation, Mental Health, Corrections, Youth Authority, Industrial Relations and Human Resources Development. The agency also contained all of the paroling boards for the State Correctional Systems (The Adult Authority, The Youth Authority Board, The Women's Board of Terms and Parole and the Narcotic Addiction Evaluation Authority), the Comprehensive Health Planning Council of which he served as Chairman, the State Board of Corrections, of which he served as Chairman, and a number of other special advisory boards. Overall, the agency employed 48,000 persons and operated under a budget of 3-1/2 billion dollars. He also was the Governor's appointee to the following boards and commissions:

California Council on Criminal Justice
 Inter Governmental Council on Urban Growth
 Coordinating Council on Alcohol Problems
 California Commission on Interstate Cooperation
 California Job Development Corporation Law Executive Board
 California Health Review and Programs Council (Chairman 1967-68)
 California Council on Intergovernmental Relations
 Intergovernmental Board of Electronic Data Processing
 Job Training and Placement Council (1967-68)
 Advisory Commission on Marine and Coastal Resources
 Interagency Council on Ocean Resources
 State Environmental Policy Committee
 Governor's Advisory Commission on Children and Youth

His responsibilities as Secretary of the Human Relations Agency included coordinating the activities of these departments, assisting in the formulation of policy, serving as the departments' spokesman on the Governor's Cabinet, and acting as "Deputy Governor" in supervising the functions and performance of the departments. The departments were responsible for administering the major State-Federal programs carried out in California which required a practical working knowledge on his part of both the programs and the organization and functions of the Federal Government.

Former public practice of law: Judge Williams served in the office of the County Counsel of Santa Clara County continuously from November 1949 until January 1967, except for 20 months military leave for active duty during the Korean War. Was appointed County Counsel in 1955 and served in that capacity until January 1967.

As County Counsel of Santa Clara County, he supervised an office of 15 full time practicing attorneys and served as Chief Counsel for the Board of Supervisors of that county and for all the various County Boards, Officers, Departments, and Commissions. In addition, he served as Chief Counsel for the County's 48 separate school districts, its Fire Districts, and a number of its other special districts including Sanitation Districts, Sanitary Districts, and Lighting Districts. He also rendered occasional services to the County's Mosquito Abatement Districts, Air Pollution Control Districts, Flood Control and Water Conservation Districts and others. These services included legal research and the issuance of legal opinions; preparing various legal documents, including contracts, deeds, etc.; representing the interest of these

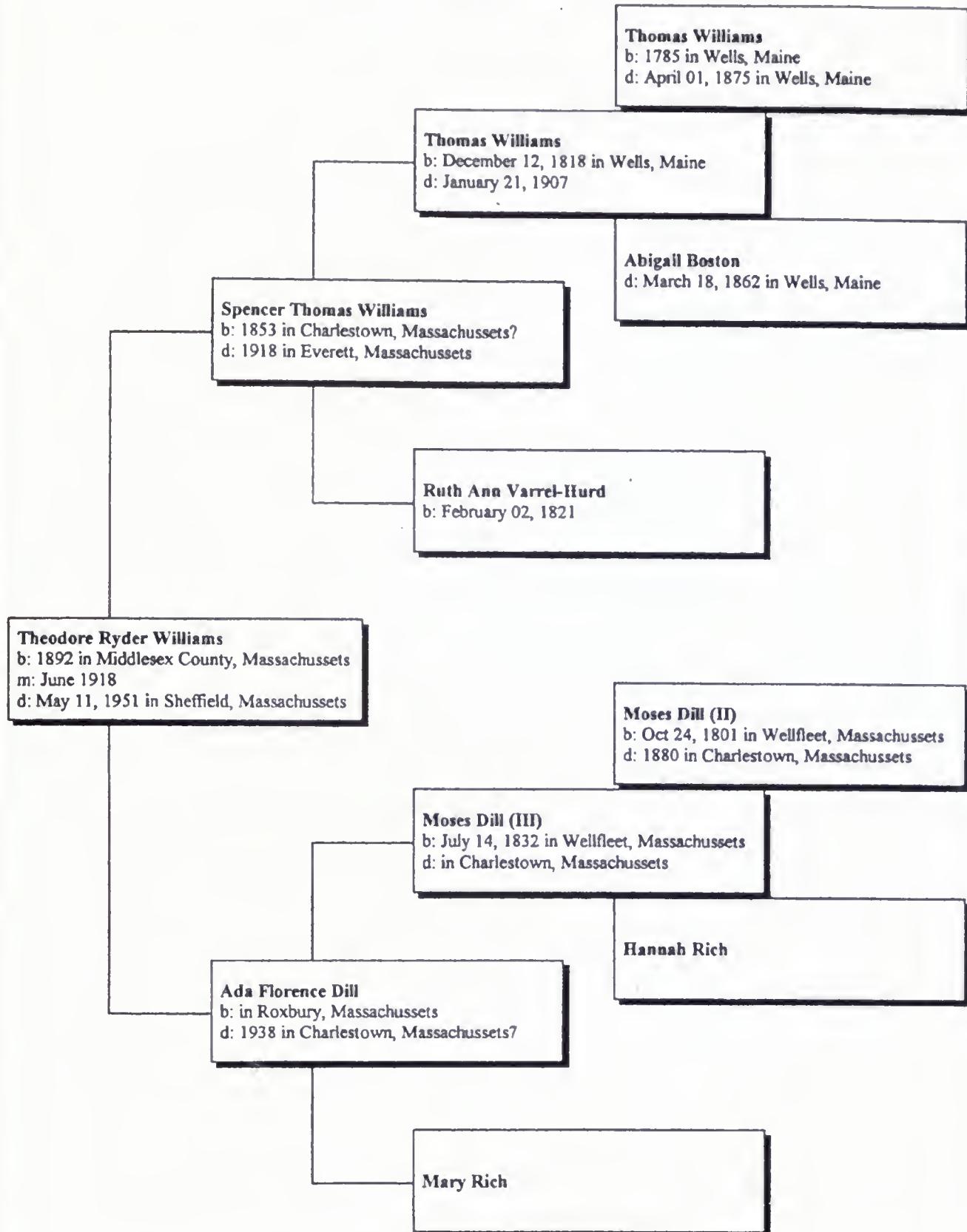
districts before the State Legislature and the United States Congress. His services also included participation in all phases of litigation. He was on occasion also called upon to represent the Bench of Santa Clara County, and to advise the Grand Jury.

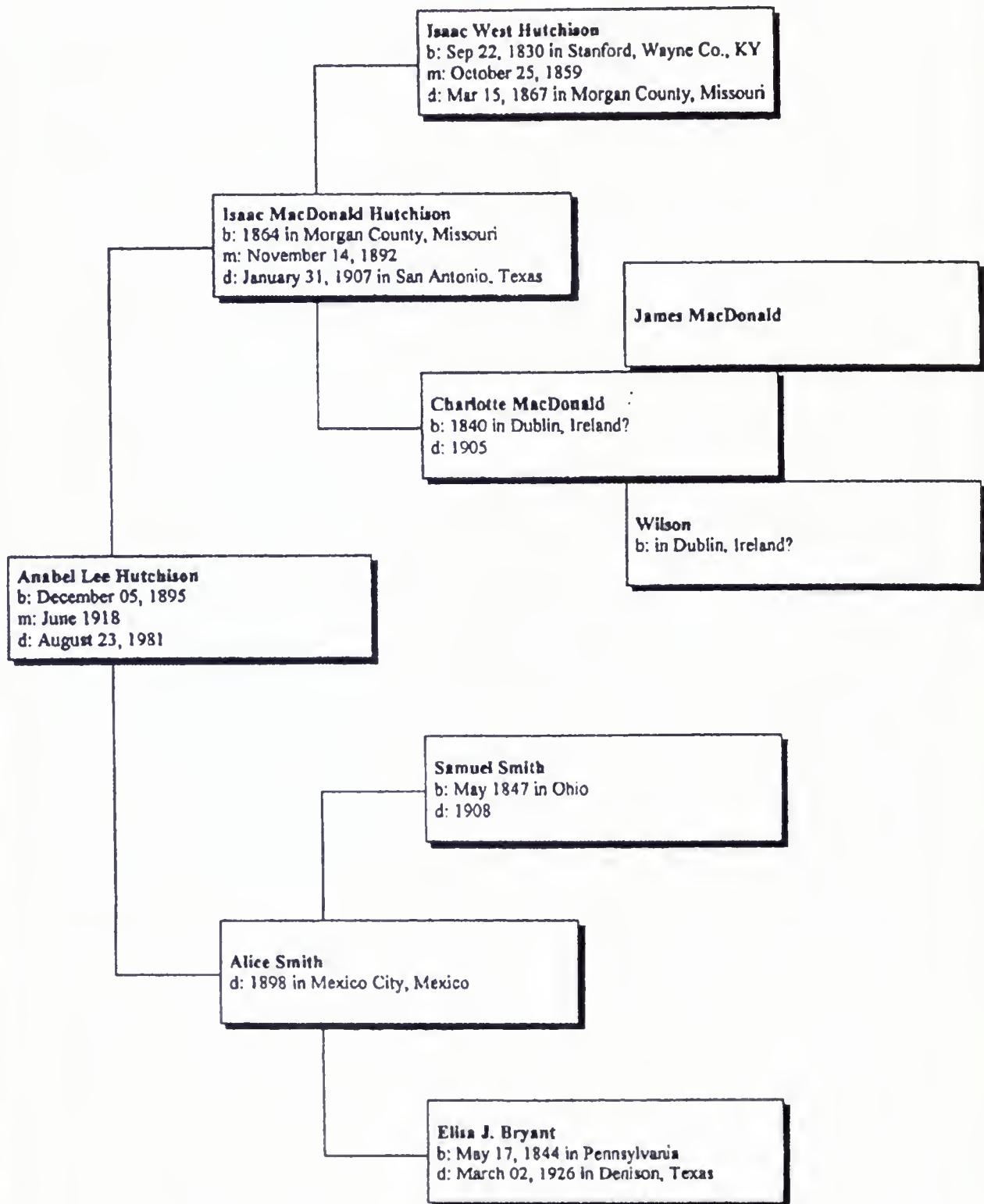
Former private practice of the law: Judge Williams was affiliated with the law firms of EVANS, JACKSON & KENNEDY in Sacramento, California, and RANKIN, ONEAL, CENTER, LUCKHARDT, BONNEY, MARLAIS & LUND in San Jose, California (1970-71), and with the firm of BERESFORD & ADAMS, San Jose, California (1949).

He has held the following community services positions: Vice-President San Jose Junior Chamber of Commerce, 1950; Chairman San Jose Christmas Seals Drive, 1953; Chairman Muscular Dystrophy Drive, 1953 and 1954; Team Captain Fund Raising Drive San Jose YMCA, 1960; Co-Chairman Industrial Section Fund Raising Drive Alexian Brothers Hospital San Jose, 1964; Team Captain Fund Raising Drive San Jose Hospital; President Santa Clara County Reserve Officers Association, 1955; President Willow Glen Kiwanis Club, 1958; member of Board of Directors of Boys City Boys Club San Jose, California, 1965-67; member of YMCA Statewide Committee on Youth and Government, 1967-68; President Santa Clara County Board of Law Library Trustees, 1955-66; Board of Directors San Jose Better Business Bureau, 1955-1966.

His professional affiliations include: 9th Circuit District Judges Association (Treasurer, 1978-79; President, 1979-81); American Bar Association; California Bar Association; Santa Clara County Bar Association; Sacramento Bar Association; California District Attorney's Association (President 1963-1964); National Association County Civil Attorneys (President 1963-1964); Vice Chairman, State Bar Committee on Publicly Employed Attorneys, 1962-1963; Member of State Bar Committee for Continuing Education of the Bar, 1964-1966; Lecturer on various Continuing Education of the Bar Committee Subjects, 1960-1965; acting Chairman County Supervisors Association of California Legal Advisory Committee, 1964-1966; Member, Peace Officers Law and Legislative Committee (by virtue of Office as President of California District Attorney's Association), 1963-1964.

Judge: U.S. District Court Judge, Northern District of California, July 21, 1971 - present. Committee on Disposition of Court Records, 1980; Committee on Codes of Conduct, 1990-1996; Founder and First President of Federal Judges Association, 1982-1987; Editor of FSA newsletter, "In Camera" 1991-2002.

Ancestors of Theodore Ryder Williams

Ancestors of Anabel Lee Hutchison

THE FEDERAL JUDGES ASSOCIATION



Chief Justice Warren Burger greets President Spencer Williams at FJA Congressional reception in May, 1985.

WHAT IT IS

The Federal Judges Association (FJA) is an independent organization of federal judges committed to seeking the highest quality of justice for the people of the United States.

FJA is a not-for-profit corporation formed under Illinois law. Counsel informs us that annual dues are tax deductible. Membership is open to all Article III judges. To date, more than 500 trial and appellate judges have joined.

WHAT IT DOES

FJA speaks on behalf of federal judges to other branches of government and, where appropriate, to the public. FJA works independently, but cooperates with the United States Judicial Conference and its committees and other groups with mutual interests. FJA facilitates individual communication between judges and governmental decision-makers.

FJA informs members regarding issues of common concern.

ITS PURPOSE

FJA acts to maintain the integrity and independence of Article III judges.

FJA seeks to ensure that able judges continue their service and that well-qualified individuals aspire to the bench.

FJA improves relationships among the executive, legislative and judicial branches of government with a goal of improving the compensation for all three branches.

MEMBERSHIP MAKES A DIFFERENCE

Helps support FJA program.

Adds to strength of FJA positions.

Means FJA can accomplish more.

Helps build consensus.

ITS STRENGTHS AND SUCCESSES

FJA's independent status gives it flexibility and provides a vehicle for federal judges to express their views to the other branches of government and public entities, such as the Commission on Executive Legislative and Judicial Compensation.

FJA was instrumental in obtaining legislation to provide cost-of-living increases for federal judges, to keep bankruptcy within the district courts, to remove senior judges from mandatory social security, to raise travel allowances, and to improve survivor benefits. FJA organized the first national meeting of the federal judiciary in Washington, D.C. in October 1986.

FJA provides information to judges about insurance options and their personal survivor benefits.



Brief Justice Burger talks with Senator Strom Thurmond, South Carolina, Chair of the Senate Judiciary Committee, and Senator Alfonse D'Amato, New York, at FJA reception.



President Spencer Williams testifies for federal judges.



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S.F. EXAMINER

Tues., May 5, 1981

Opinion / San Francisco Examiner

Well said, Judge Williams

THE UNDERSTANDING of one Naser Almaneih of Santa Clara, an Iranian, of the nature of a democratic society evidently is of a low order, if we are to judge by the crimes for which he was convicted Feb. 18.

These crimes were making and possessing bombs, damaging a building and attempting to damage a building. Specifically, Almaneih was convicted in the planting and explosion of two bombs at a pro-Khomeini meeting in Berkeley last Aug. 20 and trying to bomb another such meeting at San Jose State University.

The prosecution contended that Almaneih, a police chief under the late shah, had used an underground organization to plan terrorist acts in the United States, including the kidnap of wealthy Iranians. His ultimate goal, according to the government, was to overthrow the Ayatollah Khomeini and return to Iran in his former capacity as a police official.

America has its home-grown terrorists, fortunately not in great number, but our tradition relies more on law than bullets. That it should stay that way is forcefully argued by today's news from Northern Ireland and El Salvador, to name two.

Federal Judge Spencer Williams obviously

is of that persuasion. He sentenced Almaneih to 50 years and accompanied the sentence with a biting commentary, which we hope will be copied in bar journals across the land.

He said, "The freedom to act (in this free society) does not include the freedom to (engage in) terrorism, to bomb, to assassinate. ... There is no room in our society for terrorists, home-grown or imported. If we for one moment accept, excuse, condone or justify acts of violence, our own free society as we know it will cease to exist."

Almaneih's sentence was the maximum, but he was lucky at that, because his bombs, by chance, killed no one. Williams said, "Maximum sentences including the death penalty, where authorized, will be imposed on any terrorist who commits acts of violence."

In speaking for the most severe sentences, Williams voiced the prevailing sentiments of the American public, which has everything to lose in an unstable society. The sentence invoked against Almaneih will not prove a 100 percent deterrent, to be sure, but it serves as a proper warning to those who believe that democracy comes out of the barrel of a gun: This country won't stand for that.

State Bar of Michigan's Committee on Profession and Judicial Ethics. The brochures specified when to get a lawyer, legal fees and how to find a lawyer—"Find one you like as a person as well as a professional. . . . Seek someone with similar basic beliefs."

Hughes said that he used the slogan on the brochure merely to identify himself in the community, not thinking "anyone would believe that it was true." He said he was allowed to use the title, "Bible Believing Attorneys" on the firm's letterhead as long as the lawyers' names were also clearly identified.

The ethics panel recently ruled that Hughes' use of the slogan was misleading because it implied that the "administration of justice works better if the lawyer is of a particular religious belief." The committee, likewise frowning on Hughes' use of a testimonial letter from a Baptist minister, said that he could identify himself with a religion as long as there was no suggestion that "a particular religious persuasion makes for a better lawyer." (*Informal Opinion C1-512*) Hughes said that he has been advertising since March on Detroit Christian radio station WEXL as offering a "Christian perspective" on legal services.

For some, the trend seems clear. "For someone cynical like me, this is the coming of the prediction that we made that, as advertising becomes more competitive, some people would look to get ads that are different from the others," said Michael Franck, executive director of the State Bar of Michigan and chairman of the American Bar Association Standing Committee on Professional Discipline.

The Texas advertising furor erupted in January when the *Texas Bar Journal* ran a "help wanted" ad headed "Christian Attorney Wanted," placed by Craven & Craven, an El Paso law firm. Publication of the ad brought angry letters to the editor from, among others, Texas State District Judge Alvin Zimmerman of Houston and other members of the regional office of the Anti-Defamation League of B'Nai B'rith. Afterward, the State Bar of Texas Board of Directors adopted a policy not to accept advertising that it considers discriminatory.

—Bill Winter

THE JUDICIARY

Disillusioned with Polls, Judges Take Their Own

Two judges in San Francisco have taken the matter of judicial evaluation into their own hands by preparing and sending out their own surveys.

"I generally don't approve of surveys," said U.S. District Judge Spencer Williams. "The press gets ahold of them and can distort them."

Williams decided to conduct his own survey, sending 1,100 questionnaires to lawyers who had practiced before him during the past four years. He asked for their ratings in 23 categories such as punctuality, judicial temperament and demeanor, courtesy, open-mindedness, procedural and substantive knowledge of law and settlement skills.

A total of 397 lawyers responded, with 62 writing individual comments ranging from "excellent to not so hot," he said. "People were honest."

Superior Court Judge Donald King has conducted three similar surveys because "I do things differently than other judges" and he's interested in lawyers' reaction to that. He believes his surveys have been successful because "lawyers know I pay attention to them." Still, he said, "Each judge has to make his own assessment."

In sending survey results to lawyers who requested them, Williams said, "I have found the results to be most informative. . . . And, while I doubt that my performance could or should be designed to please everybody, I hope that in the future you will be able to observe an improved performance in each of the categories listed."

"A judge who would send out such a questionnaire and accept the advice and criticism it invoked with the attitude Judge Williams exhibited probably doesn't need much help in the first place," Chief Judge James Browning of the Ninth Circuit U.S. Court of Appeals told a luncheon group at the American Bar Association Midyear Meeting in Houston.

However, Browning sees clear advantages to the approach. "The timing of the

questionnaire and the questions can be tailored to the needs of the particular judge," he said. "Only lawyers who have practiced before that judge and know whereof they speak are polled. The judge alone receives the responses."

"There is no automatic public exposure to put the judge on the defensive and inhibit self-improvement. Since each poll is distinct in timing and content, there can be no rankings to divide the judges and separate bench from bar," Browning said.

He said that an "Ad Hoc Committee to Study the Evaluation of Federal Judges," established by the Executive Committee of the Judicial Conference of the Ninth Circuit, was studying Williams' evaluation system.

As Williams said, "It's up to every judge to get his antenna out and find out what lawyers want."

—Martha Middleton



King: "Lawyers know I pay attention to them."

SPENCER WILLIAMS

SECRETARY, HUMAN RELATIONS AGENCY

1967 - 1970

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Board Chairmen

Mrs. ELEANOR W. HILLER

HENRY W. KERR

Dr. VICTOR W. VOGEL

Carole E. Hicke

B.A., University of Iowa; economics

M.A., San Francisco State University; U.S. history with emphasis on the American West; thesis: "James Rolph, Mayor of San Francisco."

Interviewer/editor/writer, 1978-present, for business and law firm histories, specializing in oral history techniques. Independently employed.

Interviewer-editor, Regional Oral History Office, University of California, Berkeley, 1985 to present, specializing in California legal, political, and business histories.

Author: *The Federal Judges Association in the Twentieth Century: History of Farella, Braun & Martel; Heller, Ehrman, White & McAuliffe: A Century of Service to Clients and Community.*

Editor (1980-1985) newsletters of two professional historical associations: Western Association of Women Historians and Coordinating Committee for Women in the Historical Profession.

Visiting lecturer, San Francisco State University in U.S. history, history of California, history of Hawaii, legal oral history.

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